

**HANDBOOK  
FOR  
RETURNING OFFICERS**

**2008**

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## **CHAPTER-I PRELIMINARY**

Returning Officer plays a pivotal role in the election management in various Parliamentary systems including India. A Returning Officer is responsible for overseeing election in one or more constituencies. A Returning Officer<sup>5</sup> is called so because he holds the election in the constituency and returns the result. Conduct of credible and periodic election has been the hallmark of modern democratic India. Indian electoral system has gained a world-wide reputation and being a Returning Officer you have a great responsibility to further strengthen this reputation. Many of you must have already been Returning Officer in the earlier elections, even then, you are required to go through this handbook chapter by chapter carefully.

There have been tremendous changes in the approach and methodology of the election management in the country over a period of time, particularly, in recent times. The elections are being more and more micro managed as an institutional responsibility to the growing complexities associated with the elections. In this Preliminary chapter we may outline some of the salient features of the election management in the light of new guidelines and instructions issued by the Election Commission of India in recent times.

Greater emphasis is being laid on the clean electoral roll. Consequent upon introduction of Booth Level Officer system, the identification and removal of names of the dead voters and the shifted voters has become more accurate and this has helped the election machinery in ensuring the fidelity of the electoral rolls. This aspect must have been taken care of by the Returning Officer. As the Returning Officer, you should be consciously aware of the importance being given by the Election Commission of India to the fidelity of the roll to be used on the poll day and carry out all the instructions issued by the Commission in this regard. It is relevant to note that mere peaceful conduct of elections no way guarantees a free and fair election. In spite of election being peaceful, there could still be malpractices that can take place if the election machinery is not vigilant. Election can be called truly free and fair election only when all the stakeholders perceive and accept the election to be free and fair. As the Returning Officer you have to meticulously plan a strategy so that there is no scope left for any complaint.

The election management should be transparent and there should not be any scope for complaint of partiality on the part of any official involved in the election management. The Commission takes very serious view about lack of neutrality on the part of any election official.

A visible and rigorous enforcement of Model Code of Conduct enhance the credibility of the elections and gives confidence to the voters. Misuse of official machinery for the electoral purposes shall not be allowed, electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters, shall be prevented by all means. Introduction of photo electoral roll by the Election Commission is expected to play a crucial role in minimizing the scope for impersonation. The recent instruction that the polling agent appointed by the candidate shall be a voter in the same polling station aims at minimizing the external interference in the election process at the polling station. The threat and intimidation to the voters particularly, the voters from vulnerable sections of the society in some parts of the country has been a cause of concern. With a view to meet this challenge, the Commission has recently introduced the system of 'Vulnerability Mapping'. You should familiarize yourself with the concept of Vulnerability Mapping and implement the Commission's instruction scrupulously. A free and fair election can be conducted only in a conducive atmosphere from the law and order point of view. Hence,

it becomes imperative to keep track of the law and order situation during the run up to the election and on the poll day.

The Electronic Voting Machine was used universally in all polling stations in the country during the Lok Sabha election 2004. However, the voter awareness about the EVM cannot be taken for granted; there should be a fresh initiative to spread the awareness about the EVM among all the voters particularly, in the remote areas and among the new voters. The Commission has introduced the system of randomization of EVMs and specific responsibility has been given to the Returning Officer.

The sector management has become an important aspect of the election management. Hence, care needs to be taken while identifying the sector officers and they need to be trained about their work in advance. You need to give lot of importance to the training of the polling personnel. If the training is not done properly you will face lot of difficulties on the poll day.

The Commission has introduced postal ballot reform in recent elections. The new system calls for a greater involvement on the part of Returning Officer in managing postal ballot.

Another important pre-condition for fair election is to curb the money power which undermines the level playing field. This can be achieved by keeping a proper watch on expenditure incurred by the candidate/political parties. The Commission's instruction to keep watch on campaign vehicles and strict enforcement of Commission's instruction on "Defacement of public and private properties" as applicable to the State/Union Territory concerned will have the desired effect.

Effective coordination is the essence of an efficient election management as the Returning Officer you need to play vital coordinating role by constantly interacting with the District Electoral Officer, Commission's Observers and other stakeholders like political parties and the candidates and election agents. You should facilitate the Commission's Observers to deliver their assigned duties effectively by extending your cooperation.

The Commission has introduced the system of micro Observers at the polling station level. The Commission's instruction in this regard should be strictly followed.

You should have a thorough idea about the polling station-wise deployment of security personnel including Central Police Forces, if any, and ensure that the approved deployment is implemented properly. You should pay enough attention to the effective handling of dispatch centres from where the polling personnel are sent to the polling stations with the EVMs and the reception centres where the polled EVMs are received. The basic amenities for the polling personnel shall be provided.

Transparency is the key for an effective and efficient election management for transparency adds to the credibility of the election. Hence, you should keep the political parties and candidates informed of the Commission's instructions from time to time. Your interaction with the media should be positive and you should make good use of the media to disseminate relevant information to the voters as well as to the other stakeholders.

To sum up, it may be said that as Returning Officer you are going to play a very important role in ensuring a free and fair election in your constituency. If only you are thorough with the provisions of law and aware of the Commission's recent instruction you can lead your team to deliver a free and fair election. Hence, it would be beneficial for you to go through the Returning Officers handbook and note down the important points for your guidance.

## ROLE OF RETURNING OFFICER

2.1 You are the Returning Officer for a constituency in which voting machines are going to be used. You should, therefore, acquaint yourself fully with the upto date rules and procedures prescribed for the conduct of elections by voting machines. You should not only familiarize yourself thoroughly with each step to be taken at various stages of the election process, but also with the operation of voting machines. The smooth conduct of election right from the issue of the public notice and till the declaration of the result mainly depends on you and the electoral machinery under you. You have a well defined and a vital role to play in the electoral process. A slight mistake or lapse or wrong application of the law or rules or inadequate knowledge of various functions of the voting machines may vitiate the election.

2.2 This Handbook is designed to give you the information and guidance which you may need in the performance of your functions. However, it may be noted that this Handbook cannot be treated as an exhaustive compendium in all aspects or as a substitute reference for various provisions of election law during the conduct of elections. You should, wherever necessary, refer to those legal provisions which are contained in the Manual of Election Law. You should provide yourself with a copy of the latest edition of the Manual of Election Law brought up-to-date. This contains, among other things, relevant extracts from (1) the Constitution of India, (2) the Representation of the People Act, 1950, (3) the Representation of the People Act, 1951, (4) the Conduct of Elections Rules, 1961 and the relevant enactments with which you would be primarily concerned. You must also keep a copy of the Handbook for Presiding Officers, which is being issued by the Election Commission as a separate compendium, You should make yourself thoroughly familiar with the Manual and these said Handbooks and refer to them as often as you can and every time you are in doubt.

2.3 If you are a Returning Officer for an Assembly Constituency in Pondicherry, it is essential for you to have also an up-to-date copy of the Govt. of Union Territories Act, 1963. If you are a Returning Officer for an Assembly Constituency in Delhi, you are advised also to keep an up-to-date copy of the Govt. of National Capital Territory of Delhi Act, 1991.

2.4 You should also study the various Forms, statutory and non-statutory, which have to be used for an election and make sure that they are the latest Forms in force at the time of the election. These should be stocked in adequate numbers.

2.5 You should know well the territorial extent of the constituency for which you are the Returning Officer. The extents of Parliamentary and Assembly Constituencies in all States (except Arunachal Pradesh, Assam, Jammu & Kashmir, Jharkhand, Manipur and Nagaland) have recently been re-determined by the Delimitation Commission which was set up under the Delimitation Act,2002. As your constituency may be one of them, you may check this from the Delimitation Commission's Orders which are likely to be published shortly in a consolidated form called the Delimitation of Parliamentary and Assembly Constituencies Order,2008.

2.6 The present allocation of seats to the State/Union Territories in the House of the People, the total number of seats assigned to the Legislative Assemblies and the number of seats reserved, if any, for the Scheduled Castes and Scheduled Tribes in each State/Union Territory are given in **Annexure II** and III for your ready reference.

## BRIEF INTRODUCTION TO VOTING MACHINES

3.1 From 2004 onwards, all elections to the Lok Sabha and the State Legislative Assemblies are being held through the Electronic Voting Machines(EVMs). It is, therefore, necessary for you to be thoroughly conversant with the operation of the voting machine. A voting machine consists of two units, namely, Control Unit and Ballot Unit. These two units are interconnected, when the voting machine is put to operation, by means of a cable, one end of which is permanently attached to the ballot unit. The free end is to be plugged into the control unit when you want to use the machine.

3.1A Necessary changes were made in the Conduct of Elections Rules,1961 w.e.f. 24.3.1992 (**Annexure I**) through the promulgation of Conduct of Elections (Amendment) Rules, 1992 for using the voting machines in the elections. By these amending Rules, a new Chapter II in Part IV containing rules 49A to 49X has been inserted after rule 49 making detailed provisions for the conduct of poll at the polling stations where electronic voting machines are used. Further, a new rule 66A has been inserted after rule 66, making provisions for the counting of votes recorded by means of voting machines. By these a3.1A Necessary changes were made in the Conduct of Elections Rules,1961 w.e.f. 24.3.1992 (Annexure I) through the promulgation of Conduct of Elections (Amendment) Rules, 1992 for using the voting machines in the elections. By these amending Rules, a new Chapter II in Part IV containing rules 49A to 49X has been inserted after rule 49 making detailed provisions for the conduct of poll at the polling stations where electronic voting machines are used. Further, a new rule 66A has been inserted after rule 66, making provisions for the counting of votes recorded by means of voting machines. By these amending Rules, new Forms 17A, 17B and 17C have also been inserted after Form 17 appended to the Conduct of Elections Rules, 1961.

3.2 One ballot unit caters upto a maximum of sixteen candidates. There is provision for display, on the ballot unit, of the ballot paper containing the particulars of the election, serial numbers and names of contesting candidates and the symbols respectively allotted to them. Against the name of each candidate, there is a button by pressing which the voter can record his vote for him. Alongside the said button, there is also a lamp for each candidate which will glow red when the vote is recorded for him by pressing the said button.

3.3 Four ballot units linked together catering upto sixty four candidates can be used with one control unit. On the top most portion of the control unit, there is provision for displaying the various information and data recorded in the machine, like the number of contesting candidates, total number of votes polled, votes polled by each candidate, etc. This portion is called, for easy reference, Display Section of the Control Unit. Below the Display Section, there is a compartment for fixing the battery on which the machine runs. By the side of this compartment, there is another compartment in which there is a button for setting the machine for the number of candidates contesting the particular election. This button is called the 'Cand Set' button and the whole section of the control unit consisting of these two compartments is called the 'Cand Set Section'. Below the Cand Set Section is the 'Result Section' of the control unit. This Section contains 'Close' button used for closing the poll, two 'Result' buttons for ascertaining the result of two different polls and 'Clear' button for clearing the data recorded in the machine, when not required. In the bottom portion of the control unit, there are two buttons – one marked - 'Ballot' by pressing which the ballot unit becomes ready to record vote and the other marked 'Total' by pressing which total number of votes recorded upto that stage can be ascertained.

Please note that the display indicates only the total votes and not candidate-wise tally. This section is known as the 'Ballot Section' of the control unit.

3.4 The machine uses a modern micro-computer and other large scale integration chips. It operates on a battery and can be used anywhere and under any conditions. It is tamper-proof, error free and easy to operate. Both the Units of the machine are supplied in two separate carrying cases, which are easily portable. The polling information once recorded in the machine is retained in its memory even when the battery is removed.

3.5 The machine, especially ballot unit, is so designed as to keep intact all essential features of the present voting system and the only change is that the voter is required to press the button provided opposite the name and symbol of the candidate of his choice as against the use of arrow cross mark rubber stamp which is put on the ballot paper on or near the symbol of his choice. All the safeguards taken under the present system against the tampering of the ballot boxes and violation of secrecy of vote are fully maintained in the voting machine. The process of voting in the voting machine is very simple and quick and even illiterate voters have no difficulty in using the voting machine to record their votes. The polling personnel will also not find any difficulty in operating the machine as its mechanism and operation are quite simple. The pace of polling is far quicker and the time taken for the entire operation of voter exercising his vote is comparatively much less. The counting of votes and declaration of results by using the voting machines will be an absolutely simple affair as there will be no doubts and disputes with regard to the validity or otherwise of any vote, and the result of poll taken at a polling station will be available on the mere pressing of a button on the control unit.

3.6 The Electronics Corporation of India, Limited and the Bharat Electronics, Limited who have produced these machines have published separate Manuals explaining in full the details of operation of the machines produced by them. The Commission has classified the machines based on the year of production and these are as follows:-

- |     |                    |                                 |
|-----|--------------------|---------------------------------|
| i.  | ECIL (New)         | Machines made in 1999 to 2005   |
| ii. | ECIL(New improved) | Machines made in 2007 and later |
| iii | BEL (New)          | Machines made in 1999 to 2005   |
| iv. | BEL (New improved) | Machines made in 2007 and later |

You should find out as to which of the machines, that is to say, whether produced by Electronics Corporation of India Limited or Bharat Electronics Limited, are going to be used in your constituency. You should study very carefully the Manual relevant to the machines being used in your constituency.

## BROAD OUTLINES OF DUTIES

4.1 You, as the Returning Officer, are primarily responsible for the conduct of election from your constituency. The main items of your work in that regard are briefly mentioned as below :-

### **Preparation for the poll**

- (1) drawing up, well in advance, a programme and plan of detailed arrangements for the poll;

- (2) procurement of voting machines and all election materials in sufficient quantity;
- (3) issue of public notice of election in Form 1 of the Conduct of Elections Rules, 1961 on the day on which the notification calling the election is issued;

#### **Processing of Nomination Paper and allotment of symbol**

- (4) reception of nomination papers, security deposits, etc.;
- (5) administering oath or affirmation to candidates after they have filed their nomination papers;
- (6) dissemination of information contained in the affidavits filed by the candidates;
- (7) scrutiny of nomination paper;
- (8) recording of reasons in brief for rejecting any nomination paper;
- (9) receipt of notices for withdrawal of candidatures;
- (10) checking whether any candidate has been granted concession by the Commission under paragraph 10 of the Election Symbols(Reservation and Allotment)Order, 1968
- (11) allotment of symbols to contesting candidates;
- (12) preparation and publication of notice of nominations, list of validly nominated candidates and list of contesting candidates;
- (13) checking whether all the political parties have communicated their list of leaders under Section 77 of the R.P.Act, 1951

#### **Ballot paper- printing and distribution**

- (14) assessing the requirements of (i) ballot papers for use in the ballot units of the voting machines; (ii) postal ballot papers for service voters and voters on election duty, etc., and (iii) tendered ballot papers and arranging the printing and supply thereof;
- (15) preparing the lists of classified service voters who have appointed proxy voters;

#### **Confidence building measures**

- (16) establishing contact with the contesting candidates and political parties to ensure free, fair and smooth election;
- (17) convening of meeting of the Constituency Committee to discuss common problems relating to conduct of election, review of law order situation, enforcement of code of conduct for political parties, etc.;
- (18) preparation and commissioning of voting machines about one week in advance before the date of poll;

#### **Dispatch of polling parties and election materials**

- (19) transport arrangements for the polling parties, voting machines and election materials;
- (20) dispatch of polling parties for the conduct of poll and supply of voting machines, tendered ballot papers and other election materials to them;
- (21) effective supervision of the poll;
- (22) appointment of counting staff;



- (23) transport and storage of voting machines after and poll, under strict security arrangements;
- (24) fixing of date, time and place of counting and actual counting of votes;
- (25) declaration of result;
- (26) transmission of all voting machines, election papers and election materials after declaration of result, to the District Election Officer for safe custody;
- (27) overall supervision of election work

4.2 Some of the important arrangements for the conduct of election are also made by the District Election Officer.

- (1) selection (and, at the appropriate time, setting up) of polling stations, with the previous approval of the Election Commission;
- (2) formation of polling parties and appointment of Presiding Officer and Polling Officers for each polling station;
- (3) imparting intensive training to the polling personnel (including those on reserve duty);
- (4) building awareness about the use and working of Electronic Voting Machine among the general public, political parties, candidates, and media;
- (5) printing of postal ballot papers for service voters and their dispatch to the service voters;
- (6) scrutiny of accounts of elections expenses of contesting candidates and submission of returns to the Commission;
- (7) safe custody of all voting machines, election papers and election materials after the completion of election and during the period specified for the purpose.

4.3 In some cases, you yourself may be the District Election Officer. You have to look after the above arrangements in such a case. Wherever there is a different officer functioning as District Election Officer, you have to work in close liaison and coordination with him in respect of the above arrangements.

#### ADVANCE PLANNING FOR THE POLL

- 5. You should draw up well in advance a programme and plan of detailed arrangements for the poll. A good deal of forethought and advance planning are necessary if the election is to be carried through efficiently and to your credit.

#### TRAINING OF STAFF IN THE USE OF VOTING MACHINES AND POLLING REHEARSALS

6.1 It is essential that thorough and intensive training is imparted to the election machinery in the use and operation of voting machines. The success of the voting machines would depend on the degree and intensity of training given to them and thoroughness on their part in operating those machines at the polling stations. You should hold polling rehearsals as often as possible where the use and operation of the voting machines should be explained and practically demonstrated. You should see that every Presiding Officer and senior polling officer (who is designated to act as Presiding Officer if the latter is unavoidably absent on the day of poll) attends at least two or three such rehearsals and is given an opportunity to have "hands-on" training on the machine.

6.2 Before you arrange such polling rehearsals, it is essential that you should have yourself attended training classes/polling rehearsals organized by the Election Commission and/or the Chief Electoral Officer, so that you are yourself well versed in the

use and operation of voting machines and about the correct procedure to be followed for the conduct of poll and the counting of votes by means of the voting machines.

6.3 At the polling rehearsals arranged by you, provide to each Presiding Officer and Polling Officer present, a copy of the Handbook for Presiding Officers separately published by the Commission explaining the detailed procedure to be followed at the polling stations where the voting machines are to be used. Also provide them with a copy of the Electronic Voting Machine Manual published by the company which has manufactured the voting machines to be used in your constituency which explains with the help of graphic illustrations the operation of the voting machines. Also instruct all Presiding Officers and Polling Officers present to operate these machines themselves at the training classes, so that they become fully familiar with their functions and operations.

6.4 It would be advisable to allocate a room permanently in your office in which a voting machine may be kept, so that if any Presiding Officer or Polling Officer feels that he requires more practical training he may do so there, till he is satisfied and confident of handling the machine at the polling station independently on the day of poll.

6.5 While conducting the polling rehearsals, the Presiding Officers and Polling Officers present should first be given an introduction of the machine and its general functions and then they may be taken through various operations on the machine, stage by stage, with proper demonstration.

6.6 At the polling rehearsals, the following aspects should be stressed specifically :-

- (1) All must handle the voting machines with utmost care at all times.
- (2) When the voting machine is not in use, the control unit and ballot unit should be kept in their respective carrying cases.
- (3) The battery in the control unit should be switched off to avoid unnecessary drainage on the battery.
- (4) When the machine is put to use, the control unit and ballot unit are inter-linked by means of a connecting cable. One end of this cable is permanently attached to the ballot unit and no one should attempt to detach the cable from the ballot unit. Further, the connector provided at the other end of the cable fits into the control unit in a particular manner and can be detached afterwards only after releasing the latch in a particular manner which is explained in the EVM Manual published by the manufacturing company. **EVERY PRESIDING OFFICER AND POLLING OFFICER SHOULD BE SPECIFICALLY TAUGHT THE CORRECT MANNER OF FIXING THE CONNECTOR IN THE CONTROL UNIT AND DETACHING IT THEREFROM AFTERWARDS, SO THAT NO DAMAGE IS CAUSED TO THE MACHINE IN THE PROCESS OF SUCH FIXING OR DETACHING.**
- (5) All buttons both on the control unit and the ballot unit operate by mere application of light pressure and use of unnecessary force should be avoided as that may damage the machine.
- (6) There is a provision for fixing green paper seal(s) on the inner door of the compartment containing 'Result' and 'Clear' buttons on the Control Unit. (One green paper seal is used in the machines produced by Electronics Corporation of India, Limited and two such seals are used in the machines produced by the Bharat Electronics, Limited). Explain the proper method of fixing these seals to each Presiding Officer and Polling Officer. This seal is vital and so long as it is intact it guarantees that the machine has not been tampered with, after the commencement of the poll and till the result is ascertained at the time of counting of votes. The Commission has also introduced (i) sealing of the 'Result section' with a 'Special Tag' and (ii) use of an 'Outer Paper Strip

Seal' as added security features. (These are explained in detail in Chapters XII and XIII and in the Handbook of Presiding Officers.)

(7) At the end of the poll, the Presiding Officer is required to prepare an account of votes recorded at the polling station and an account of green paper seals used for sealing the voting machine. The said accounts shall be prepared by the Presiding Officer in Form 17C and an attested copy thereof shall be furnished by him to every polling agent present at the polling station. The Presiding Officers should, therefore, be properly instructed to prepare the said accounts in Form 17C accurately, so that no mistake is committed by

them in filling up the various entries in that Form. For that purpose, sample Forms may be filled by you in the rehearsal classes and the Presiding Officers asked to prepare such accounts in the prescribed form themselves as an exercise.

(8) After the conclusion of poll, the Presiding Officer is required to seal the ballot unit and the control unit and their respective carrying cases. He should also permit the polling agents to affix their seals on these units. The details of such seals are given in Chapter XIII and in the Handbook for Presiding Officers which has been separately published by the Election Commission. At the Polling rehearsals, the Presiding Officers should be properly informed and instructed of the manner in which such seals are to be affixed on the machines and their carrying cases. Whenever any seal is put on the machine, it must be ensured that the direct flame does not come into contact with the machine and the molten wax does not fall on it.

6.7 Political parties and candidates may also be invited to polling rehearsals. While inviting representatives of the political parties, both recognised and registered-unrecognised parties, to the polling rehearsals, contesting candidates may also be invited to such rehearsals, if such rehearsals are held after the last date for withdrawal of candidatures. Explain and demonstrate to all of them the operation of the voting machine and the safeguards provided therein for ensuring the secrecy of vote, intamperability of the machines and the safe preservation of memory of the votes recorded by the machines. Also explain to them the procedure followed at the polling stations. The better these procedures and safeguards are known and appreciated by them, the less would be the volume of uninformed criticism and suspicion.

## CONTACT WITH POLITICAL PARTIES

7. You should also meet the representatives of the recognised political parties and contesting candidates together as often as you can. Hold also the meetings of the Constituency Committee as often as necessary. Many of their doubts and misapprehensions can be cleared up by mutual discussions. In the absence of such personal contacts and clarifications, some parties may be apt to imagine all kinds of irregularities and violation of law. It has often been experienced that they themselves labour under an ignorance or misapprehension of the provisions of the law and of Commission's directions and instructions and that their doubts and misapprehensions usually arise out of this.

## COMMISSION'S SPECIAL INSTRUCTIONS

8. The Commission has directed that -
  - (i) at the time of presentation of the nomination paper of a candidate, such candidate or his proposer should be –

- (a) handed over a letter requiring the candidate to furnish, before 3.00 p.m. on the last date of filing nominations, the affidavits containing the information relating to criminal antecedents, assets, liabilities, educational qualifications, if the same is not filed with the nomination;
  - (b) given the notice about the time, date and place of allotment of symbols (vide para 19.2 of Chapter V); and
  - (c) supplied with copies of such instructions and guidelines issued by the Commission as may be directed by it from time to time, including those on the maintenance and lodging of Account of Election Expenses and the Register prescribed for the purpose;
- (ii) all contesting candidates should be issued with a notice inviting their attention to the provisions of law relating to corrupt practices and electoral offences (vide para 9 of Chapter VII).

9. The Commission has directed that the Standing Committees at the District and Constituency levels should be set up to ensure the observance of the Model Code of Conduct devised by the Commission for the guidance of political parties and candidates. (For further reference see paras 4 and 5 of Chapter XI). The model code of conduct comes into operation from the date of announcement of election by the Commission.

10. Training for the police officers from the level of Superintendent of Police to Sub-Inspector shall also be conducted as per Orders of the Commission, vide Order No. 62/ESO 14/94/P.S.I, dated 14.09.94; (**Annexure IV**).

#### STATUTORY REQUIREMENTS - CHECK MEMOS

11. A copy each of the check memos in respect of the following elections is given at **Annexure V** :-

- (i) General Election to the House of the People/State Legislative Assembly;
- (ii) Bye-election to the House of the People/State Legislative Assembly. It is necessary that in regard to election at (i) above, the check memos should be maintained by the District Election Officer, as far as practicable, in respect of each constituency falling within his jurisdiction and copies thereof should be sent to the Chief Electoral Officer and the Commission

after the completion of the election. The check memos in respect of bye-elections should be maintained in the office of the Chief Electoral Officer.

#### OBSERVERS

12.1 The Observers are appointed by the Election Commission under Section 20B of the Representation of the People Act, 1951 to watch the process in the field on behalf of the Commission. They are officers of the Commission working under the superintendence, control and discipline of the Commission for period of elections.

12.2 The duties of the Observers can be broadly classified as below :

- i. They will observe the preparedness for conducting a fair, free and peaceful election and whether, in compliance with the guidelines of the Election

Commission, the local authorities have identified sensitive areas and polling stations from the point of view of protection of weaker sections and women. They will also take stock whether election materials like voting machine, paper for printing ballot papers, symbol blocks, indelible ink phials, green paper seals, etc. are physically available in adequate quantity. They should inspect the electoral rolls at random with a view to ensuring their completeness and correctness and that there are no complaints of unauthenticated addition or deletion of names. They should make a random check of polling stations with particular reference to their location, spaciousness and suitability and especially with reference to the casting of votes by Harijans, women and other weaker sections of the society. The observers should also attend some of the training rehearsals arranged for the Presiding Officers and Polling Officers to study the quality of training being imparted.

ii. They should locally discuss with the Returning Officer, the law and order enforcement authorities and other election related Officials, defects and shortcomings in the election arrangements which are locally remediable.

iii. They will closely observe and assess the expenditure incurred by a candidate himself, or by a political party or any other persons on his election so as to ensure a check on the flow of unaccounted financial resources.

iv. Except for the two formats- **Annexures "M and N"**(contained in the Guidelines for Observers), the Commission has not prescribed any format for the reports of the Observers. This is so because situations vary from constituency to constituency. But there are certain common points of concern, viz:-

- that the conduct of the election machinery in the field is free from bias, is impartial and uninfluenced by any local or other prejudices;
- that the complaints received from the candidates and their agents are being suitably, and with due and deliberate speed, disposed of by the election machinery;
- that the location of polling stations, the composition of the polling parties, the deployment of the Central and State police forces, the preventive action of the local law and order machinery to curb poll violence and intimidation and counting of votes, are being carried out in a manner which minimises chances of vitiation of the process to conduct peaceful, fair and free elections;
- that the local election machinery is taking all practicable steps to ensure the observance of the Model Code of Conduct.

12.3 The Observers are expected to visit the constituencies allotted to them at least twice or so often as may be directed by the Commission. Where there is a time lag between the date of poll and counting, the visits will be even more. In such cases the Commission will brief the observers suitably before each election/bye-election.

12.4 Observers shall not under any circumstances share the contents of their reports or any information therein with any one except the Election Commission.

12.5 Under no circumstances are the observers expected to address the press.

12.6 The observers do not have to call meetings of the political parties independently.

They should attend the meetings of political parties called by the Returning Officers. *However, if an Observer feels the need of meeting the political parties/candidates to explain Commission's stand on issues like the model code of conduct etc. or removing any misgiving about the conduct of election machinery, then the Returning Officer will arrange for such meeting with the political parties/candidates immediately where he himself will also be present*

12.7 The observers have the powers to direct the Returning Officers to stop the counting of votes at any time before the declaration of result or not to declare the result, if in their opinion booth-capturing has taken place at large number of polling stations or at the counting place or the ballot papers or voting machine are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with. The counting proceedings in such cases shall proceed further in accordance with such directions of the Commission only as it may issue on the reports of the Observers and after taking all material circumstances into account.

12.8 The District Election Officers, will ensure that the place of stay, the phone number, the dates of visit of the observers are duly publicised in the constituencies. The observers shall double-check this. They have to make themselves easily accessible to whoever wants to meet them with election related complaints or information.

12.9 The Commission has also been appointing Micro-Observers in some specific constituencies in the recent elections to help the General Observer where the constituency allotted to him is spread over a large area and the number of sensitive and hypersensitive polling stations is comparatively more. The Micro-Observer will be a junior officer from another State/UT who will be stationed at a particular polling station and report directly to the General Observer of the constituency concerned.

#### SAFE PRESERVATION OF VOTING MACHINES

13.1 The voting machines should be stored in godowns when the machines are not in use before an election. Likewise, proper arrangements should be made for their safe custody and preservation in the district treasuries after the completion of the election and during the period for which they are required to be so preserved under relevant directions of the Commission, the details of which are given in Chapter XVIII. After the expiry of the period for which those machines are to be preserved in the district treasuries if no election petition/appeal is pending, the machines may be removed to the election godown and again stored there properly till they are required for next elections.

13.2 For the safe and proper storage of voting machines in the election godown, follow meticulously the instructions given by the manufacturing companies, which have been communicated, separately to the Chief Electoral Officer of your State.

## CHAPTER II

### POLLING STATIONS

(SECTION 25 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951)

#### INTRODUCTORY

1. Under the law (Section 25 of the Representation of the People Act, 1951), the District Election Officer is responsible for the provision of polling stations and the publication of the list of polling stations. The electoral rolls are prepared polling station-wise. The polling stations are also set up more or less on a permanent footing, covering well-defined polling areas. Changes will become necessary only when there is an abnormal increase of electors in a particular polling area. Normally, the list of polling stations must have already been approved by the Commission earlier. If the same list is proposed to be adopted no fresh approval of the Commission is necessary. The Commission must, however, be informed in all such cases at least two weeks before the last date for the withdrawal of candidatures. Wherever modifications are proposed, the Commission's approval should be obtained. The draft lists of the polling stations must be forwarded to the Election Commission for scrutiny and approval at least two weeks before the last date for the withdrawal of candidatures.

#### DRAWING UP OF LIST OF POLLING STATIONS

- 2.1 These lists should be drawn up as far as practicable bearing in mind the following instructions:-
  - (1) Number of polling stations and number of voters:-
    - (a) The optimum number of polling stations to be set up in an Assembly Constituency should be determined by dividing the total number of voters in the constituency by 1000. This number will be average for both rural and urban constituencies.
    - (b) A polling station should be provided for a well-defined polling area, normally covering not more than 1500 electors. However, in exceptional cases such number may exceed 1500 to avoid the break up of any polling area in large villages or urban areas.
    - (c) When the number of voters exceeds 1600, auxiliary polling stations should be set up subject to following conditions:-
      - (i) Auxiliary polling stations shall have the same serial number as that of the original polling station, but with a suffix "A", "B", etc.
      - (ii) As far as practicable, the auxiliary polling stations shall be located in the same building or premises as that of the original polling station.
      - (iii) Only when it is unavoidable due to non-availability of suitable rooms, the auxiliary polling station may be located in a separate building, but shall be within the same area as that of the original polling station.
      - (iv) No repeat no separate serial number shall be given to auxiliary polling station even if it is located in a separate building. It shall have the same serial number as that of the original polling station with the permitted suffix "A" or "B" in view of the fact that the original polling station and its auxiliary polling station may be having the electors shown in the same part of the electoral roll.

- (d) Polling stations may be set up in localities/colonies inhabited by the weaker sections of the society, even though the number of voters may be less than 500. (See Para 4.2 below).
- (2) Structure and fittings of polling stations : Select the actual site of each polling station carefully in advance and arrange for materials, structures, fittings, etc., necessary to set up a polling station in order to make the polling station satisfy the requirements of law and practical convenience.

2.2 As far as practicable, the polling station should have normally a minimum area of 20 sq. meters so that there is no congestion inside the polling station.;

2.3 Select halls/rooms which are well-lit and are having two openings at least, so that one can be used as 'entrance' and the other as 'exit' for the smooth and orderly conduct of poll.

### LOCATION OF POLLING STATIONS

3.1 To the extent practicable, polling stations should be located more or less permanently, so that the voters go and cast their votes always at one polling station.

3.2 Polling stations should be set up in such a manner that ordinarily no voter is required to travel more than two kilometers for recording his vote. In sparsely populated, hilly or forest area this rule may have to be relaxed; but in order to avoid voters having to walk unduly long distances, polling stations in such cases may be set up for a smaller number of voters than usual.

3.3 In urban areas, not more than four polling stations and, in rural areas, not more than two polling stations should be located in the same building in any case, in order to avoid overcrowding and to facilitate maintenance of peace and order.

3.4 In places where two polling stations are set up in the same building or compound there is no objection to allotting one of them for men and the other for women; but normally common polling stations with separate queues for men and women should do. When separate polling stations are provided for men-voters and women-voters of a particular polling area, these should as far as possible be located in the same building.

3.5 Where the polling area for a polling station comprises a number of villages, the polling station or stations should ordinarily be located in the village which has the largest number of voters. Where, however, another village is much more central or has distinctly better facilities, it might be chosen for location of polling station in preference to the village with the largest number of voters.

3.6 Due consideration should be given to the existence of obstructions like hills, forests, rivers, jungle, etc. For instance, no polling area should contain villages on either side of a big river; but where a village itself is divided by a river or stream it should not be split up for polling purpose, unless there are special reasons.

3.7 All villages in one polling area should fall in one administrative unit like one police station, firka, patwari circle, etc. A polling station should be located in one of the villages attached to that polling station unless special circumstances exist for providing the station outside the polling area. All polling areas within the constituency should be covered by the proposed polling stations.



3.8 As far as possible, polling stations should be located in schools (Government or aided) and other Government or Semi-Government institutions, as the furniture and equipment required would be available there and could be made use of without any extra cost to the State. The location of the polling stations in private buildings or premises should be avoided; but where this becomes unavoidable, the buildings should be properly requisitioned and/or the consent of the owner should be obtained in writing. The private building so requisitioned should be at the disposal of the Returning Officer at least 24 hours before the commencement of poll and for the period required for the poll. The building and the area around it up to a radius of two hundred metres should be under the control of the Presiding Officer. No watch and ward or other personnel connected with the owner, whether armed or unarmed, should be allowed to remain either at the polling station or within a radius of two hundred metres around it. The security arrangement at the polling station and within the above area will be the responsibility entirely of the State Police under the control of the Presiding Officer. After nominations are filed, it should be ensured that the owner of such private building is not a contesting candidate or a known sympathiser or worker of any of the candidates at the election.

3.9 No polling station should be located in police stations, hospitals, temples or places having religious significance.

3.10 As far as possible, to avoid inconvenience to the old and disabled persons, the polling stations should be set up in the ground floor of a building.

3.11 In case no suitable buildings either Government or private are available the polling station can be located in the temporary structures but, as far as possible, this should be avoided as it involves considerable expenditure to Government and is also open to other risks like heavy rains, fire, etc.

#### SETTING UP OF POLLING STATION FOR VOTERS SUFFERING FROM LEPROSY

4.1 If there is a leprosy sanatorium within the constituency, then a separate polling station may be set up for the inmates alone and the officers, medical and others, working in the sanatorium may be appointed as Presiding and Polling Officers of the polling station.

#### PROVISION OF POLLING STATIONS FOR WEAKER SECTIONS

4.2 Due to manipulative tactics, location of polling stations in some cases is fixed in such a way that the electors belonging to weaker sections are intimidated and prevented from going to polling stations for voting. Commission has issued specific directions to identify the localities predominantly inhabited by weaker sections and locate polling stations in these localities irrespective of the number of electors.

Welfare associations or voluntary organisations championing the cause of such weaker sections should also be associated in identifying such localities and locating the polling stations.

## LIST AND MAP

- 5.1 The draft list of polling stations should be drawn up in the prescribed form (**Annexure VI**). The demarcation of polling area should be clearly done. The name of each village covered by the polling area and the number of voters in it should be shown in the respective columns against each polling station. By a clear description of the polling area it should be feasible for an ordinary voter to know to which polling station he should go for recording his vote. In order to ensure that a uniform method is followed in the matter of filling up the columns, the following instructions may be kept in mind:-

### Column 1

The serial numbers of the polling stations should be given on a rational basis commencing from the north-western corner of the constituency and proceeding in a zig-zag manner to south-eastern corner of the constituency. The serial number of a polling station and part number of the electoral roll covering the polling area assigned to that polling station should be the same.

### Column 2

The locality to be specified is the name of the area in which the polling station is located. In the case of temporary structures the description of the exact site chosen for the location of the temporary structure should be clearly indicated.

### Column 3

The name of the building in full should be clearly described. The use of abbreviations should be avoided. In cases where more than one polling station is located in the same building the location should be made clear by mentioning "North Wing", "South Wing". etc.

### Column 4

The area of the polling station in square metres should be indicated. The reason for locating polling stations in rooms/halls having an area of less than 20 square metres should be furnished in 'Remarks' column of the proforma against the appropriate entry.

### Column 5

If there is a separate entrance and a separate exit 'Yes' may be written otherwise reasons why it has not been possible to locate the polling station in a room/hall with separate entrance and exit may be given.

### Column 6

The names of villages, blocks, wards, streets, localities, house numbers and part number of the electoral roll should be given.

### Column 7

It should be indicated whether the polling station is for all voters or men voters or women voters only.

### Column 8

This column should contain information about the total number of voters assigned to the polling station according to the final electoral roll of the constituency.

#### Column 9

This column should indicate the distance to be travelled, if the maximum limit of 2 kilometers is exceeded.

#### Column 10

Where it is not practicable to conform to the Commission's directions in regard to the location or area of a polling station, broad reasons may be given in this column, as far as possible, for the consideration of the Commission, besides any other remarks which the District Election Officer/ Returning Officer may like to make.

5.2 The total number of voters in the constituency, the total number of polling stations proposed and the average number of voters per polling station should invariably be shown at the end of each list.

5.3 The list should be accompanied by a map to scale showing:-

(i) all the villages, and wards or localities in towns, with the number of voters in each such village or locality, on the map itself, and where this is not convenient or practicable, in a statement annexed to the map;

(ii) the place selected for the location of the polling stations;

(iii) the area served by each polling stations, indicated by serial numbers in a systematic manner, preferably beginning from the north-western corner of the constituency proceeding zig-zag and ending at the south-eastern corner. (Such serial numbers should be the same as the part numbers of the electoral roll which cover the respective polling areas assigned to those polling stations.)

5.4 The use of abbreviations in the list should be avoided, as far as possible, and where these are used, these should be explained.

5.5 If any local terms are used to describe buildings, etc. in the list, these should be explained.

#### PUBLICATION OF THE LIST OF POLLING STATIONS IN DRAFT

6.1 Under section 25 of the R.P. Act, 1951, the District Election Officer is required with the previous approval of the Election Commission, to provide a sufficient number of polling stations for every constituency, the whole or greater part of which lies within his jurisdiction.

6.2 It should not ordinarily be difficult to decide the district in which the greater part of a constituency lies. Where, however, a Parliamentary constituency comprises, say, eight Assembly Constituencies and four of them lie in one district, and the remaining four in another district it may not be so easy to ascertain the district in which the greater part of the constituency lies. In such a case the Chief Electoral Officer should decide the question with reference to the location of the headquarters of the Returning Officer of the constituency, the number of voters of that constituency in different parts in the different districts or of the population of those parts, and communicate the same to the District Election Officers of the districts concerned. The District Election Officer of the district in which, according to the Chief Electoral Officer, the greater part of the constituency lies, will then be responsible for the provision of polling stations for the entire Parliamentary Constituency.

6.3 It is also possible that in the case of a Parliamentary Constituency most of the component Assembly constituency may fall in one district and a portion or portions may fall in another district or districts. In such cases, the polling stations provided by the District Election Officer of the other district or districts should be adopted in whole by the District Election Officer of the district in which the major part lies as the polling stations for the Parliamentary Constituency for which he is required to provide polling stations.

6.4 After the list has been prepared on the lines indicated above the District Election Officer/Returning Officer should publish it in draft, in the language or languages of the electoral roll for the constituency, for general information, inviting objections and suggestions by a specified date, allowing a period of not less than seven days. The notice of publication of the draft list of polling stations and places at which it can be inspected should also be given in local newspapers and written objections or suggestions invited for consideration.

6.5 Copies of the lists should be supplied to the local branches of all recognised political parties and to the sitting members of the House of the People and Assembly Constituencies concerned or to ex-members of the House of the People or the Legislative Assembly in case the House of the People, or the Legislative Assembly stands dissolved.

6.6 The District Election Officer should thereafter call the party representatives and legislators to a meeting and discuss the draft list and the suggestions received. Any bonafide intending candidate who wishes to take part in the discussions at this meeting should also be permitted to do so.

6.7 The District Election Officer should then take his decisions, amend the draft list where necessary and finalise the draft list of polling stations for the constituency. He should then forward it, along with the map to the Commission, through the Chief Electoral Officer of the State, along with the scrutiny sheet and the certificates in the forms prescribed in **Annexures VII** and **VIII**.

6.8 The Chief Electoral Officer, after scrutiny, will forward the list and other enclosures to the Election Commission for approval with his comments.

6.9 The Commission will then consider and approve the proposed list of polling stations, with any changes it deems necessary. The list finally approved by the Commission should be published as directed in para 7 of this Chapter.

Note (a) The approval of the Commission will be communicated by the Election Commission direct to the District Election Officer with copy to the Chief Electoral Officer. After the approval of the Commission is received, the District Election Officer should once again check the list to see whether there are any errors and incorporate the changes, if any, suggested by the Commission in the list.

(b) Along with the list, the District Election Officer should send a scrutiny sheet duly filled in and a certificate in the prescribed form (**Annexure IX**).

(c) When the list is forwarded to the Commission in a language, other than English, it should be accompanied by a translation in English. There is no need to print or cyclostyle the approved list of polling stations in English. However, there would be no objection to this being done if copies in English are required for official use or by the public.

## FINAL PUBLICATION OF THE LIST OF POLLING STATIONS

7.1 The District Election Officer for an Assembly Constituency shall publish the list of polling stations provided by him, with the previous approval of the Election Commission, by making a copy thereof available for inspection, in the manner prescribed by the Commission in its Order reproduced in **Annexure IX**, and displaying at his office a notice in the form given in **Annexure X**. On such publication, the list shall be the list of polling stations for that constituency.

7.2 The District Election Officer can correct only printing or clerical mistakes, if any, after such publication.

7.3 It shall not be necessary for the Returning Officer for a Parliamentary Constituency to publish the list, a second time, except at his office, in a case where elections are being held simultaneously to the House of the People and the Legislative Assembly. He should, however, do so in the case of single election to the House of the People.

7.4 The entries in columns 4, 5, 8, 9 and 10 and the entries at the bottom of the list relating to the total number of voters, the total number of polling stations and the average number of voters per polling station, should be deleted before the final publication of the list.

7.5 The list of polling stations for an Assembly Constituency shall be published in the language or languages in which the electoral roll for that constituency is published.

## AUXILIARY POLLING STATION

8. If the lists of polling stations are approved before final publication of the electoral rolls, they should be reviewed after the rolls are finally published, particularly with respect to the number of electors allotted to each polling station. If there has been a substantial increase in the number of electors allotted to any polling station, making such number far in excess of the normal permissible limit of around 1500 and it is considered desirable to provide an auxiliary polling station, such cases should be referred to the Commission for its approval. In such cases as far as practicable, the auxiliary polling station should be provided in the same premises in which the earlier polling station is located or as near that premises as possible.

## MODIFICATIONS IN THE LIST

9.1 Every modification as a result of variation in the number of voters within the polling area allotted to a polling station, consequent on the revision of electoral rolls, should be reported to the Commission for approval.

9.2 Changes in the location of polling stations to new buildings or sites may become necessary, where the owner of the building or site originally proposed for a polling station has since become a contesting candidate or has strong sympathies for such candidate or political party, or because of any natural calamity that might have befallen on such building. All such changes should be reported forthwith to the Commission for approval.

9.3 Once the lists are approved, requests from political parties and individuals for shifting of the polling stations from one village to another or from one site to another should be considered, only in extremely exceptional cases where there are overriding

considerations of public convenience for the change proposed. If the District Election Officer/Returning Officer is satisfied, he should consult other political parties and contesting candidates and then only make his recommendations to the Commission in the matter.

9.4 District Election Officer should, on no account, make any change in the location of polling stations already approved by the Commission, without its prior approval, as any change may ultimately result in the election being declared void.

9.5 Where changes become inevitable and have to be made, such changes should be referred to the Commission for its previous approval. The changes should be fully publicised and all contesting candidates and political parties, etc., informed in writing.

#### CHANGE IN THE NOMENCLATURE OF THE BUILDING OF A POLLING STATION

10. After the approval of the list of polling stations for a constituency, if there is any change in the nomenclature of the building in which the polling station is proposed to be set up, for example, upgradation of a Primary School to a Middle School and the like, but otherwise there is no change in the location of the polling station, cases of such change need not be referred to the Commission for its previous approval. However, the Commission should be informed of such change. The political parties and the contesting candidates etc. should also be informed in writing about such change.

#### SUPPLY OF COPIES OF THE LIST

11.1 As soon as may be, after the list of polling stations has been finally published in the manner specified in para 7, a copy of such finally published list shall be supplied, free of cost, to every recognised political party to whom copies of draft lists were earlier supplied under para 6.

11.2 Each contesting candidate at an election shall be supplied, free of cost, with three copies of the list of polling stations for that constituency, immediately after the last date for withdrawal of candidatures. Copies should also be made available for sale at the price fixed and may be freely sold to all persons who demand copies.

11.3 The District Election Officer for any Assembly Constituency should also supply the required number of copies to the Director General of Police or Superintendent of Police, as the case may be. Copies should also be supplied to the Returning Officer for the Parliamentary /Assembly Constituency, Election Department of the State Government and Assistant Returning Officer(s).

#### LIST OF POLLING STATIONS FOR FUTURE GENERAL ELECTIONS AND BYE-ELECTIONS

12.1 Under the existing instructions of the Commission, polling stations should be located more or less permanently, so that the voters have a fair idea about their polling stations where they have to go to vote and that they should not be required to go to different places at different elections. The Commission has also decided that the electoral rolls should be prepared polling stationwise, i.e., each part should cover a well-defined polling area assigned to a polling station.

12.2 Wherever such list has been submitted to the Commission and its approval in regard to that list obtained in terms of section 25, such approved list shall be the list of

polling stations for the constituency.

12.3 Whenever any General Election or Bye-election is to be held in that constituency in future, the District Election Officer/Returning Officer should examine whether any addition to or alteration in the list of polling stations already approved is necessary on account of the revision of the electoral rolls before that election.

12.4 If at any such election, no change or modification in the approved list is considered necessary and the same is proposed to be adopted in toto for that election, no further approval of the Commission in regard to that list will be necessary and such list need not be referred to the Commission for its fresh approval before the election. The Commission must, however, be informed of this fact at least two weeks before the last date for withdrawal of candidatures.

12.5 Where, however, the list of polling stations already approved by the Commission is proposed to be adopted, with modifications, for the said election, the District Election Officer should call a meeting of the representatives of the local branches of the recognized political parties, and the legislators and after consulting

## CHAPTER III POLLING PERSONNEL

### LEGAL PROVISIONS

1. Under section 26 of the Representation of the People Act, 1951, the District Election Officer will be responsible for the appointment of the Presiding Officer and Polling Officers and staff for each polling station, in the District. When the constituency extends over more than one district, you should settle in consultation with the Chief Electoral Officer as to who should appoint the polling staff.

### POLLING PERSONNEL

2.1 For the purpose of efficient control of the polling personnel and of economy in expenditure on travelling allowances, etc., each district, as far as practicable, should use its own personnel. All the available personnel working under the State and Central Government offices in the State, as well as under the local bodies, have to be mobilised and an assessment of the availability of the requisite number has to be made well in advance. This work calls for a lot of forethought and planning. The Commission has already addressed the Central Government and the State Government, who, in turn, have issued instructions to all heads of departments and offices of the Central and State Governments to furnish to the District Election Officer lists showing the number of officers in different categories. These lists would facilitate your task of making suitable selection of polling personnel. *As the polling parties are to be comprised of a proper mix of Central Govt/Central PSU and State Govt/State PSU employees, separate database for such officials are to be prepared by you. Some of these Central Govt. officials may also be deployed as Micro-Observers.*

2.2 *The data base of the above officials should also contain the Assembly Constituency no, Part no. and the Serial no of the Electoral Roll in which he has been enrolled in addition to his residential address. The sponsoring authorities need to have a greater role to ease the burden on the DEO/RO, specially in ensuring delivery of appointment letters and other urgent communications from the DEO/RO to their own officials. All the sponsoring authorities may be asked to appoint a nodal officers with telephone facilities who could be contacted by the election authorities in time of need.*

2.2 Section 159 of the R.P. Act, 1951 has been amended by the R.P. (Amendment) Act, 1998 (Act No. 12 of 1998). According to the said Section 159, as amended, the following authorities, when so requested by the Chief Electoral Officer of the State, shall make available to any Returning Officer such staff as may be necessary for the performance of any duties in connection with an election :-

- (i) every local authority;
- (ii) every University established or incorporated by or under a Central, Provincial or State Act;
- (iii) a Government company as defined in section 617 of the Companies Act, 1956;
- (iv) any other institution, concern or undertaking which is established by or



under a Central, Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.

In view of the above amendment to law, staff of any of the above mentioned authorities, companies, institutions, concerns or undertakings can be requisitioned and put on election duty, in addition to employees of Central and State Governments.

2.3 In case where employees of local bodies, namely, municipalities, panchayat samities, Zila Parishads, etc., are engaged for polling duties at a polling station, it should be ensured that the Presiding Officer and the Senior Polling Officer of a polling station should not both be the employees of local authorities. Except the first polling officer, who does the identification, the others could be employees of local authorities. Bank employees may be drafted to the minimum extent possible only in a contingency where sufficient number of Government Employees are not available and/or in emergent circumstances such as strikes, etc., by the Government Employees. Care should be taken to see that normal functioning of the banks are not interrupted; and Bank employees drafted on election duty may, whenever possible, be kept on the reserved list and only in unavoidable circumstances, should they be put on duty. If practicable, their posting to any polling station outside their normal place of duty may be avoided.

2.4 (a) While drafting Presiding Officers/Polling Officers, the availability of female polling Personnel should be examined for appointing Presiding/Polling Officers for polling stations set up exclusively for female voters or where the number of female voters, especially, pardanashin women is large. In such polling stations, there must be at least one lady polling officer who may attend to the duty of identification of women electors.

(b) You shall exempt all such women, who are in advanced stage of pregnancy, whether on maternity leave or not, or who are otherwise on medical advice not fit for any rigorous or hazardous work, from being requisitioned for election duty. The same will apply to women who are breast feeding a newly born child.

(c) You shall inform well in advance every female official called for election duty of the arrangements made for her stay, private and separate arrangement for women only at the place of duty to meet the calls of nature as well as for bath and dressing. Unless such arrangement is made and information in this behalf is furnished to such female official, she shall not be called to perform any election duty at any such place where the above arrangements are not available.

2.5 In case the employees belonging to the Revenue Collecting Department (Central and State) are busy in the collection of revenues, they should be appointed in consultation with departments in-charge of the revenue collection. All representations in this connection should be looked into and cases of disagreement, if any, should be brought to the notice of the Chief Electoral Officer immediately.

2.6 Further, school teachers who are working as extra department postmasters should not be put on polling duty as that will lead to interruption in the maintenance of the essential service of Posts and Telegraph Department.

2.7 Seniority of officials should be taken into account in every case, and it should be ensured that a senior official is not put on duty under an official who is junior to him/her.

2.8 The employment of Judicial Officers for election work will be subject to the

following conditions, viz-

- .(i) The present practice of obtaining the prior approval of the High Court before engaging Judicial Officers for election work should continue;
- .(ii) Civil Judicial Officers of and above the rank of District Munsif or any rank corresponding thereto will not be engaged for election work in any capacity;
- .(iii) Judicial Magistrates may not be appointed as Sector Magistrates in charge of law and order duties or engaged as Presiding or Polling Officers of Polling Stations; and
- .(iv) In States where there is no separation of judiciary and executive, Executive Magistrates may be put in charge of law and order work in connection with election; provided a sufficient number of them are left out for dealing with criminal cases arising out of the law and order situation relating to elections. In these States also, no Civil Judicial Officer should be detailed in any capacity for election work.

2.9 In the case of physically handicapped persons (including visually handicapped and deaf and dumb persons), it may be considered whether any handicapped person as aforesaid would find it difficult to go to the polling station/counting centre and perform election duties there. If it is considered that any such handicapped person would not be in a position to perform election duties, such person may be exempted. Such exemption should, however, be given in deserving cases, subject to the satisfaction of the District Election Officer/Returning Officer.

#### PRESIDING OFFICER

3.1 The Presiding Officer is required to perform very important functions. He should, as far as possible, be a Gazetted Officer or, failing that, at least one working in a supervisory capacity. As far as possible, he should not be posted to work at a polling station in the same locality where he lives.

3.2 No Honorary Magistrate, unless he is a Government officer otherwise, be appointed as Presiding Officer.

#### UNAVOIDABLE ABSENCE OF PRESIDING OFFICER

3.3 While appointing a polling party for a polling station, District Election Officer should authorise one of the officers to perform the duties of Presiding Officer in case the latter is unavoidably absent from the polling station.

#### PROPER MIXING OF POLLING PERSONNEL DRAWN FROM DIFFERENT OFFICES

4.1 In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instill confidence in the minds of political parties and candidates about free and fair elections, you should ensure proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party. Further, polling personnel should be drawn both from the State Government departments as well as the Central Government offices, as far as practicable. Presiding Officers and Polling Officers are to be classified on the basis of scale of pay and their post and rank. *In determining the rank and status of officials drawn from different pools with different pay scales, the relative position of the official in his cadre/organization may be taken into account and not merely the pay scale. By way of illustration, if a Group-D employee from any pool, even if drawing a higher scale should not be assigned duties of a Presiding Officer or Polling Officer.* As far as practicable, Gazetted Officers will be deployed as Presiding Officers, failing which those officials, who are working in supervisory capacity only should be deployed as Presiding Officers. The Presiding Officer should be of higher scale/grade in comparison to all

Polling Officers. No person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.

4.2 Following procedure should be adopted for selection of polling parties:-

4.2.1 District Election Officer should obtain a complete database of officers eligible for polling party duties from respective authorities. All relevant information should be entered into a database.

4.2.2 From this full database of officers a randomized list of required number of polling persons should be generated (including reserve). The help of the computer technology should be used for randomization of Polling Personnel by using 'Random Number Generation Technique'. Presence of Observers is not required at this stage. You should also familiarize yourself with the latest instructions of the Commission regarding randomization of polling personnel.

4.2.3 The second randomization exercise should be done in the presence of the Observers deployed in the constituency. At this stage actual polling parties shall be formed on random basis using the 'Random Number Generation Technique'. The Observers should remain present.

4.2.4 The third randomization exercise shall take place on the day prior to the dispersal of polling parties when the allocation of polling stations to the polling parties will be done. On a random basis, final allocation of Polling Stations to each Polling Party should be done in the presence of Observers.

## **COMPLIANCE REPORT**

4.3 In order to ensure that the above instructions are complied with strictly, you should furnish to the Election Commission through the Observers and separately to the Chief Electoral Officer of your State, a certificate to the following effect immediately after the polling parties have been formed for an election:-

### **CERTIFICATE**

Certified that (i) the polling parties have been formed by a proper mix of officials drawn from different offices and departments, (ii) the officers have been drawn from State Government's departments as well as from the Central Government's offices, as far as practicable, and (iii) for the purpose of formation of polling parties, complete database of all eligible employees in district as furnished by or obtained from respective authorities have been used.

4.3.1 The Observers should have make a special reference to the randomization exercise observed by them in their constituencies while submitting the report.

## **NUMBER OF POLLING PARTIES**

5.1 You know already the number of polling stations in your constituency. If the polling in your constituency is to be completed in one day, the number of polling parties must

be the same as the number of polling stations. If the poll is to be held on more days than one in your constituency, you must have on each day of the poll, as many polling parties working as the number of polling stations which go to poll on that day. There is usually a master plan for the conduct of poll for the whole district. Familiarise yourself with it and ascertain what part exactly you are required to play according to the plan so that you may ensure that each polling party reaches its polling station on the day preceding the date of poll. The number of persons in each polling party will depend on various factors. Normally, a party will consist of one Presiding Officer and three Polling Officers. In order to ensure that the pace of polling runs smooth and the electors are not put to inconvenience at the Polling Stations having more than 1200 electors, auxiliary Polling Stations will be set up in the same premises. ~~In case permanent accommodation is not available in the same premises, a rent may be erected to house the Auxiliary Polling Station.~~ For the polling stations where auxiliary polling stations could not be set up and where number of electors is between 1200-1400 voters, an extra polling officer will be provided who shall share the duty of 2nd Polling Officer.

5.2 Duties of Polling Officers are detailed in the Handbook for Presiding Officers. You should also familiarize yourself with those instructions.

5.3 Detailed instructions regarding lay-out of Polling Stations are also contained in that Handbook.

#### **RESERVE POLLING PERSONNEL**

6. Have a reserve list of Presiding and Polling Officers for the constituency to deal with emergencies at any of the polling stations in the constituency as well as for conducting re-polls, if required.

#### **POLICE PERSONNEL TO ACCOMPANY POLLING PARTIES**

7. Acquaint yourself thoroughly with the police bandobast made for your constituency. Settle, in consultation with the police authorities, the personnel or the police party which will be attached to each polling party.

#### **TRANSPORT FOR POLLING PARTIES**

8. You will have to arrange for the transport of the polling parties, police parties, accompanying the polling parties, polling materials, like Voting Machines, etc. Take stock of the vehicles at your disposal. Requisition more vehicles as necessary. Draw up the movement programme carefully for each polling party so that the arrangements may not fail at the last moment. Have reserves of transport handy to meet emergencies.

#### **ACCOMMODATION AND FOOD FOR POLLING PARTIES**

9. Check the arrangements for the accommodation, food, drinking water facilities and toilet facilities for the polling personnel so far as you are responsible. Special emphasis should be laid on such arrangements for female polling personnel with due

regard to their privacy. If poll is taken during summer, arrangement should be made for providing shelter for polling personnel and voters. If necessary, improvised roofing be erected even if it involves some additional expenditure. In case any polling station is located in a spacious building, the voters may be allowed to stand in queue in sheltered area, like, verandah before the polling station. The Returning Officers shall depute Sector Officers in advance to oversee that adequate arrangements for shade, food, water, etc., have been made.

## **FORM FOR APPOINTMENT**

10.1 The polling personnel should be formally appointed. The form for the appointment of Presiding and Polling Officers is given in **Annexure XI**. The Presiding and Polling Officers should be formally appointed both for the Assembly constituency and for the Parliamentary Constituency also in the case of a simultaneous election.

10.2 Appointment letters of Presiding Officers and Polling Officers should be issued as soon as polling parties are formed, but in their appointment letters number and name of polling station at which they will be on duty should not be indicated. Such information regarding place of duty should normally be intimated to them not repeat not earlier than three days before the date of poll. However, Chief Electoral Officers will have discretion to relax aforesaid three days time limit upto seven days where polling parties are dispatched much in advance of the date of poll or where they feel that above information should be made available to the polling personnel earlier than three days having regard to the fact that polling personnel may have to furnish that information in their applications in Form 12A for election duty certificate. It may be pointed out that under rule 20(2) of Conduct of Elections Rules 1961 applications in Form 12A for election duty certificates should reach the Returning Officer four days or such shorter period as the returning officer may allow before the date of poll. It may also be relevant to point out that in the application in Form 12 for postal ballot paper the place of election duty is not required to be mentioned by the applicant. If appointment letters to presiding and polling officers are to be given prior to the above mentioned period from the date of poll, it may be done leaving the entries in column one of the Table appended to **Annexure XI** blank repeat blank. Particulars of polling stations may be intimated to the polling personnel subsequently in compliance with the Commission's above directions.

10.3 To obviate any delay or difficulty in issuing postal ballot papers or election duty certificate to voters drafted for election duty, you or as the case may be, the District Election Officer should issue to such voters the order of appointment in duplicate so that the voters on election duty may enclose one copy of that order of appointment to the Returning Officer alongwith his application form for supply of postal ballot paper/EDC, thereby facilitating the easy identification of the applicant and decision regarding his entitlement to the issue of postal ballot paper/EDC.

10.4 The order of appointment in duplicate should also bear the clear seal of the Returning Officer or the District Election Officer.

10.5 The above procedure in para 10.2 will however be applicable only at the time of a General Election and not at Bye-election.

10.6 Alongwith the letter of appointment of polling personnel, another communication should also be sent indicating therein that in order to facilitate the filling up of Forms 12 and 12-A by such person for the issue of postal ballot papers/Election Duty Certificates, the electoral rolls for all the Assembly constituencies in the District would be kept at the centre(s) for rehearsal/training classes and that they may fill up those forms and submit them then and there after fulfilling the other formalities.

10.7 A list of polling personnel in respect of all polling stations in your constituency should be displayed on your Notice Board at least two or three days before the day of poll. There is no need to supply such lists to the recognised political parties and contesting candidates.

#### **POWER TO APPOINT POLLING PERSONNEL UNILATERALLY**

11. Doubts were expressed in many quarters (i) whether the District Election Officer, or, as the case may be, the Returning Officer can appoint under section 26 of the Representation of the People Act, 1951, a person as a Presiding Officer or a Polling Officer unilaterally against the will and consent of that person, and (ii) if so, whether the refusal to accept the appointment order by a person so appointed will attract, the provisions of section 134 of the said Act. In this connection, attention is drawn to the judgment, dated 6 March 1971 of the Calcutta High Court in Shri R.P. Roy, alias Rampada Roy Vs. Shri D. Rudra, District Election Officer and District Magistrate, Howrah (AIR 1971-Calcutta 461) which manifestly answers in the affirmative both the points referred to above. The Hon'ble Court has categorically held that section 26 of the Representation of the People Act, 1951 confers not only the power to appoint unilaterally the Presiding and Polling Officers but also to impose on them all the obligations of such office irrespective of their consent, at the peril of prosecution under section 134 of the said Act in default. This principle will also apply to refusal to attend training classes as it is part of the obligation of such appointment as polling personnel.

#### **WOMEN ASSISTANTS**

12. At a polling station where there are considerable number of women voters, women assistants may be employed whenever practicable. Also, kindly see instructions on this point in para 2.4.

## CHAPTER IV

# ELECTION MATERIALS

1. Each polling party has to be supplied with necessary election materials for the poll. A standard list of such polling materials is given in **Annexure XII**. Estimate your total requirements for the same and procure your stock of election materials in time. Particular items may be difficult to procure at the last moment. Besides, you will also yourself require some items for carrying out your own duties up to the stage of counting and declaration of results. These should also be secured in advance.

### **VOTING MACHINES**

- 2.1 You must provide to each polling party one complete voting machine, consisting of a Control Unit and such numbers of Ballot Units as are to be used at the polling stations having regard to the number of contesting candidates. As there is provision only for 16 candidates in one Ballot Unit, the number of Ballot Units to be provided in each polling station would be dependent on the number of contesting candidates at the election.
- 2.2 First level checking of each voting machine is to be done by the manufacturer. A coloured sticker signed by the BEL/ECIL engineer and the representative of the DEO will be pasted on the back side of each machine certifying its fitness for use in the election. The machine to be used for training purpose will bear a red coloured sticker while that for actual poll will be green. Do not accept any machine which does not have a sticker pasted on it.

### **FORMS**

3. During the process of election you will have to use many forms. You should first thoroughly familiarize yourself with all these forms. The candidates, their agents and other members of the public will also have to hand-over to you documents in different prescribed forms. Most of the forms will be printed by the State Government. There may not, however, be a sufficient supply of these forms to satisfy the public demand. Whether this is so or not, you and your officers should accept freely all such documents, whether they have been drawn up in the officially printed forms or in manuscript, typewritten, cyclostyled or privately printed versions of any of these forms so long as texts of the forms have been correctly copied. You and your officers must not reject any document merely because it has not been drawn up in a form printed by the Government.

## CHAPTER V NOMINATIONS

### INTRODUCTORY

1. The pressure of work increases substantially as soon as the notification has been issued calling upon the constituency to elect a member. All the preliminary and preparatory steps must have been taken by you already before this notification is issued. Generally, you will be informed before hand of the date on which such notification will be issued.

### NOTIFICATIONS FOR GENERAL ELECTIONS TO THE HOUSE OF THE PEOPLE AND STATE LEGISLATIVE ASSEMBLIES

- 2.1 In the case of a general election to the House of the People, the President of India, under section 14 of the Representation of the People Act, 1951, shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon the parliamentary constituencies to elect members for the purpose of constituting a new House.
- 2.2 In the case of a general election to a State Legislative Assembly, the Governor of the State, under Section 15 of the Representation of the People Act, 1951 shall, by one or more notifications published in the State gazette on such date or dates as may be recommended by the Election Commission, call upon the Assembly constituencies in the State to elect members for the purpose of constituting a new Assembly.
3. On the same date on which the above notification calling the election is issued, the Election Commission will issue a notification in the official gazette under Section 30 of that Act fixing the programme for the various stages of the election

### NOTIFICATIONS FOR BYE-ELECTIONS

4. Notifications in respect of bye-elections to the House of the People will be issued by the Election Commission under the provisions of Section 149 of that Act.
5. Notifications in respect of bye-elections to Legislative Assembly Constituencies will be issued by the Commission under the provisions of Section 150 of that Act.

### ISSUE OF PUBLIC NOTICE BY THE RETURNING OFFICER

- 6.1 Immediately after such notification, you are required to issue a public notice of the election under Section 31 of the Representation of the People Act, 1951 read with



rule 3 of the Conduct of Elections Rules, 1961. The notice will be issued in Form 1 appended to the said Rules.

- 6.2 In the public notice, you have to specify among other things, the name(s) of the Assistant Returning Officer(s) who will also receive nomination papers, in addition to you, and also the place(s) at which the nomination papers shall be received by you and the said Assistant Returning Officer(s) (hereinafter referred as the Specified Assistant Returning Officer(s). Normally, you should not specify more than one Assistant Returning Officer for the purpose and he should, as far as possible, be the one stationed at your headquarters.
- 6.3 The public notice shall be published in the following manner:-
- (i) It shall be in Form 1 appended to the Conduct of Elections Rules, 1961 and shall be published on the same date on which the notification of election is published.
  - (ii) The notice shall be published in English and in the languages used for the official purposes of the State.
  - (iii) The notice shall be published, in each of the above languages, on the notice board of your office and at such other places as you may consider necessary, for giving wide publicity to it, including offices of Panchayat Samitis, Gram Panchayats, etc.

## **PUBLIC HOLIDAY - EFFECT ON ELECTION PROGRAMME**

- 7.1 A candidate may present his nomination paper on the very day of the public notice, or on any of the following days fixed for filing of nominations which is not a public holiday.
- 7.2 You may bear in mind that the second or fourth Saturday of a month or all Saturdays of the month where these are observed as holidays for Government offices, are not to be treated as “public holidays” under the Negotiable Instruments Act, 1881, unless the same are specifically declared as such holidays under that Act.

## **ASSISTANT RETURNING OFFICERS**

- 8.1 Your Assistant Returning Officers can perform any of your functions subject to your overall control. They are, however, not competent to hold scrutiny of any nomination paper under section unless you are unavoidably prevented from holding such scrutiny yourself.
- 8.2 The Assistant Returning Officers should sign the papers as “Assistant Returning Officer” and not “for Returning Officer”.

## **NOMINATION PAPERS - FORM OF**

- 9.1 The nomination of a candidate for election to the House of the People shall be made in Form 2A appended to Conduct of Elections Rules, 1961. Relevant form

for making nomination of a candidate at an election to the State Legislative Assembly is Form 2B.

- 9.2 THESE FORMS HAVE BEEN REVISED ADDING A NEW PART III A IMMEDIATELY AFTER THE PART III AND YOU SHOULD ENSURE THAT ONLY THESE REVISED FORMS (**Annexures XIII-A and XIII-B**) ARE SUPPLIED TO INTENDING CANDIDATES.
- 9.3 While supplying forms of nomination papers to intending candidates, you should also attach to that form a copy of Form 26 (**Annexure XIII-C**) appended to the Conduct of Election Rules, 1961 and a copy of the Commission's order no. 3/ER/2003/JS.II, dated 27.3.2003 (reproduced at **Annexure XIV**) alongwith the format of affidavit appended to the said order. (Also see para 20 of this Chapter for further instructions in this behalf.)

### **NUMBER OF PROPOSERS FOR NOMINATION**

- 10.1 Under Section 33 of the Representation of the People Act, 1951, the nomination of a candidate at election to the House of the People or a State Legislative Assembly shall be required to be subscribed by-
- (i) One elector of the constituency, as proposer, if the candidate has been set up either by a recognised National party or by a recognised State party in the State or States in which it is recognised as State party (see Part-I of Forms 2A and 2B);
  - (ii) Ten (10) electors of the constituency, as proposers, if the candidate has been set by a registered un-recognised political party or if he is an independent candidate (see Part-II of the Forms 2A and 2B).
- 10.2 If a State party recognised in one State is granted concession for using its reserved 'Symbol' under para 10 of the Election Symbols (Reservation and Allotment) Order, 1968, in another State in which it is not so recognised, the nomination of candidate(s) set up by that party in such other State will also be required to be subscribed by ten (10) electors of the constituency, as proposers.

### **PRESENTATION OF NOMINATION PAPERS**

11. A candidate may present his nomination paper on the very day of the notification or on any of the following days fixed for filing of nominations which is not a public holiday.

### **TIME AND PLACE OF FILING NOMINATION PAPERS**

- 12.1 Nomination papers may be presented either before you or before any of your Assistant Returning Officers specified by you in the public notice, on any of the notified days at the place or places specified in the notice at any time between 11.00 a.m. and 3.00 p.m., and not at any other hours or at any other place. If a candidate or his proposer seeks to present a nomination paper either before 11.00 a.m. or after 3.00 p.m., you should not accept the nomination paper saying that under the provisions of the law neither the candidate has the right to deliver, nor

the Returning Officer has the right to accept, a nomination paper outside the hours prescribed for the purpose. You may, however, point out that if he so desires, he may present it within the prescribed hours on the following day, provided it is one of the days notified for presenting nomination papers.

- 12.2 It may so happen that some intending candidates and/or their proposers are physically present in the Returning Officer's office at 3.00 p.m. for presenting their nominations, but because of their large number and because of the reason that nominations are to be received one by one, it may not be possible for the Returning Officer to physically receive all such nominations before 3.00 p.m. In such cases, the Returning Officer shall accept nominations of all intending candidates who are present in the office of the Returning Officer at 3.00 p.m. for filing nomination and treat these nomination papers to have been delivered within the prescribed time under the law. For this purpose, if considered necessary, you may close the entry to your office room exactly at 3.00 p.m. and distribute slips to those present at that time.

### **RESTRICTION ON NUMBER OF VEHICLES AND PEOPLE AT THE TIME OF NOMINATIONS**

- 12.3 Large number of vehicles and people accompanying some of the candidates at the time of filing nominations were causing serious concern about general order in the Offices of the Returning Officers. Keeping this in view, the maximum number of vehicle les that will be allowed to come within the periphery of 100 mtrs of ROs/AROs Office has been restricted to three and the maximum number of persons that will be allowed to enter the Office of ROs/AROs at the time of filing nomination has been limited to five(including the candidate). A police officer should be appointed as a nodal Officer to ensure non violation of the instructions on such overcrowding at the time of filing nomination papers.

### **WHO CAN FILE NOMINATION PAPERS**

13. All nomination papers must be presented personally, either by the candidate or by his proposer or any one of his proposers who had proposed that nomination paper and by no one else, at the office of the Returning Officer or of the Specified Assistant Returning Officer, between 11 a.m. and 3 p.m. on any of the notified days other than a public holiday.

### **NUMBER OF NOMINATION PAPERS**

- 14.1 Under sub-section (6) of section 33 of the Act, a maximum of four nomination papers only can be presented by or on behalf of any candidate or accepted for election in the same constituency. You must ensure that the same candidate does not file nomination papers for the same constituency in excess of this number. If a candidate seeks to present any nomination paper or papers in excess of this number, you must not accept such nomination paper or papers saying that under the provisions of the law neither the candidate has the right to present, nor the

Returning Officer has the right to accept, any nomination paper or papers in excess of four.

- 14.2 No candidate can be nominated from more than two Parliamentary/Assembly constituencies at a General Election to the House of the People or a State Legislative Assembly. The same embargo applies in relation to bye-elections to any House held simultaneously, and not more than two bye-elections can be contested to the same House if called simultaneously by the Election Commission.
- 14.3. If a candidate violates this prohibition and files nomination papers for election from more than two constituencies of the same class, his nomination papers in the third, fourth and all such subsequent constituencies should be rejected by the returning officers concerned for non-compliance with the provisions of s 33(7) of the 1951 Act. However, the returning officers must be fully satisfied about the fact of the candidate having violated the law on this point before rejecting any of his nomination papers on this ground.

### **SERIAL NUMBER OF NOMINATION PAPERS**

- 15.1 Each Nomination Paper as soon as it is presented must be serially numbered by you or by the Specified Assistant Returning Officer receiving it, who must also note on the body of the nomination paper the exact time at which it was received by him. In view of the limitation on the number of nomination papers that can be delivered by a candidate, you should ask the Specified Assistant Returning Officer (who has been authorised by you to receive nomination papers) to work in close collaboration with you.
- 15.2 When a number of nomination papers are delivered to you in a bunch, you must assign serial numbers to them in the order in which you deal with them one after the other.

### **PRELIMINARY EXAMINATION OF NOMINATION PAPERS**

- 16.1 As each nomination paper is filed, you or the Specified Assistant Returning Officer, as the case may be, is required by law to examine it then and there from the technical stand-point. But you are not to hold any formal scrutiny of any nomination papers at this stage. If the candidate is an elector in your constituency, you should compare the entries in the nomination paper with the entries in the electoral roll relating to the serial number and name of the candidate and his proposer(s). If he comes from another constituency, you should compare the entries in the nomination paper with the entry relating to the candidate's name in the electoral roll of that constituency or the relevant part thereof or certified copy of such entry. The candidate is required by law to produce before you such electoral roll or the relevant part thereof or a certified copy of the relevant entries thereof [section 33(5)]. Make sure that the electoral roll with which you make such comparison is the one currently in force for the constituency in either case.
- 16.2 As aforesaid, legally, the responsibility for producing documentary evidence of registration as elector in a different constituency rests entirely on the candidate. However, the Commission considers that, in order to reduce the scope of rejection

of nomination papers on the above ground, the attention of the candidate should be drawn to above requirement at the time when his nomination paper is presented and is examined from the technical stand - point as required in the preceding sub-paragraph, if the candidate has not already complied with such requirement. This is best done by means of written memorandum in the following form:

### OFFICE OF THE RETURNING OFFICER

.....Constituency

Memo No.....

Date.....

To.....

(Name of candidate)

In your nomination paper, you have mentioned that you are an elector of a different constituency, namely .....Constituency, but you have not produced documentary evidence thereof as required by sub-section (5) of section 33 of the Representation of the People Act, 1951 which reads as follows:

“Where the candidate is an elector of a different constituency a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall unless it has been filed along with the nomination paper be produced before Returning Officer at the time of scrutiny.”

Date .....

Returning Officer

.....Constituency

---

Received memo.No : .....Dated..... from

the Returning Officer . ..... Constituency, today.

Place.....

Date .....

(Signature of candidate or proposer)

---

16.3 Copies of this form should be got photostat and kept with you at the time of receipt of nomination papers. The name of the candidate or his proposer whoever presents the nomination paper should be entered in the memo, which you should sign, and it should be handed over to him and a receipt obtained from him in the form provided for it at the foot of the main form. The receipt should be detached and kept with the nomination form.

16.4 All the nomination papers and the accompanying documents received should be kept in the personal custody of the Returning Officer and no other person should have access to them.

## **DISCREPANCIES AND ERRORS IN ELECTORAL ROLLS**

- 17.1 No misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposers or any other person or in regard to any place mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as is commonly understood. You shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination papers shall be overlooked. You have no power in law to allow any other error to be corrected.
- 17.2 Similarly if there is a complaint regarding mismatch of photo in the photo electoral roll, you will overlook the same after satisfying yourself about the identity of the person through some other document produced by him.
- 17.2 Points which you are thus required to dispose of under section 33(4) should invariably be disposed of at this stage. It will be undesirable for you at the time of scrutiny to reject a nomination paper for defects which could have been thus cured at the earlier stage of the presentation of the nomination paper.

## **SIGNATURES OF CANDIDATES AND PROPOSERS IN NOMINATION PAPERS**

- 18.1 The candidate or his proposer is not required to write his name in full by way of signature. It is not obligatory that the signature on the nomination paper should tally exactly with the full name of the person as printed in the electoral roll. If he adopts his usual form of signature e.g., one or more initial letters followed by the surname, it should be treated as valid signature for the purposes of the Act,.
- 18.2 A proposer can sign more than one nomination paper of the same candidate or of different candidates.
- 18.3 If a candidate or his proposer is unable to write his name to signify his signature he may place a mark in your presence or of such other officer as may be authorised by the Commission and you or such other authorised officer should attest the mark as mark of that person on being satisfied as to his identity. In this connection paragraph 1 of Chapter XVIII specifying the Officers who are authorized to attest the mark may also be seen.

## **RECEIPT AND NOTICE OF SCRUTINY AND ALLOTMENT OF SYMBOLS**

- 19.1 A printed form of receipt for nomination paper and a notice to the candidate of the date and time for scrutiny has been incorporated at the end of the nomination paper. Fill this in, detach the part from the body of the nomination paper and hand it over then and there to the person presenting the nomination paper by way of such receipt and notice.
- 19.2 You should also hand over a written notice at this stage indicating therein the time and date on which the allotment of symbols will be made.

## **NOTICE TO CANDIDATE FOR FURNISHING INFORMATION ABOUT HIS CONVICTION FOR OFFENCES, ASSETS, LIABILITIES ETC.**

20.1 Every candidate makes a declaration in his nomination paper that he is qualified and not also disqualified for being chosen at the election. Among other disqualification's mentioned in Articles 102(1) and 191(1) of the Constitution and Chapter III of Part II of the Representation of the People Act, 1951, section 8 of the said Act lays down the disqualification on conviction for offences specified therein. Alongwith the nomination paper, every candidate is required to file an affidavit in Form 26 (**Annexure XIII-C**) and a further affidavit as in the format prescribed by the Commission by its order no.3/ER/2003/JS.II dated 27.3.2003 (**Annexure XIV**). You would have already handed over the copy of the order dated 27.3.03 and the formats of affidavits to the candidate alongwith the form of nomination. If any candidate fails to file the said affidavit alongwith his nomination paper, you may bring to his notice this requirement. A standard format of the letter for this purpose is given at **Annexure XIV-A**. This reminder letter should be issued to the candidate or his proposer immediately on presentation of the nomination paper, and the candidate should be asked to file the two duly sworn affidavits latest by 3.00 p.m. on the last date of filing nominations.

20.2 No column of the affidavit should be left blank or filled by just tick/dash marking. If the information asked for in a column is Nil or not applicable to the particular candidate then he should write 'Nil' or 'Not applicable' in that column

20.2 Similar action should be taken by the Specified Assistant Returning Officer, if the nomination paper is presented to him.

## **OATH OF AFFIRMATION BY CANDIDATES**

21.1 A candidate at an election to Parliament, State Legislature or Legislative Assembly in a Union Territory is required under Article 84(a) or Article 173(a) of the Constitution, section 4(a) of the Government of Union Territories Act, 1963, or section 4(a) of the Government of National Capital Territory of Delhi Act, 1991, as the case may be, to make and subscribe an oath or affirmation in the prescribed form before some person authorised in that behalf by the Election Commission.

21.2 A model of the form of oath or affirmation is given in **Annexure XV**.

21.3 The Election Commission's notifications authorising certain persons in this behalf are reproduced in **Annexure XVI**. For any particular election, the authorised persons are, principally, the Returning Officer and the Assistant Returning Officers for the constituency or the election. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorised to administer the oath. And in the case of a candidate confined to bed in a hospital or elsewhere owing to illness or any other cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him is similarly authorised.

21.4 In the case of a candidate, who is out of India, the oath or affirmation may be made and subscribed before the diplomatic or consular representative of India in

the country where the candidate happens to be, or any person authorised by such diplomatic or consular representative. Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or the Assistant Returning Officer the oath or affirmation may be made and subscribed before any other person nominated by the Election Commission on an application made to it in this behalf. The Commission has also authorised all stipendiary presidency magistrates, all stipendiary magistrates of the first class, all district judges and all persons belonging to the judicial service of a State other than district judges, as officers before any one of whom the candidate can make and subscribe the oath or affirmation.

- 22.1 The oath or affirmation should be made and subscribed before the date fixed by the Election Commission for scrutiny of nomination papers at that election. The decisions of the Supreme Court in *Pasupati Nath Singh versus Harihar Prasad Singh* (A.I.R. 1968-SC-1064) and *Khader Khan Hussain Khan and others vs. Nijalingappa* (1970-1 SCA-548) have clarified the position and removed all doubts in regard to the actual making and subscribing the oath or solemn affirmation.
- 22.2 According to these decisions, the oath or solemn affirmation can be made and subscribed by a candidate **only after his nomination paper has been delivered** and it cannot be so made and subscribed on the date of scrutiny. You should, therefore, advise the candidate to make the oath or affirmation immediately after presenting their nomination papers and in any case not later than the day previous to the date of the scrutiny.
- 22.3 The oath or affirmation is to be made and subscribed in person before the authorised person.
- 23.1 It is not necessary that the oath or affirmation should be made more than once if a candidate is nominated from more than one constituency at a general election. All that is required under Articles 84(a) and 173(a) is that the person concerned should make and subscribe an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution. According to the above referred decision of the Supreme Court in *Khadar Khan Hussain Khan's case*, when once this is done in respect of one nomination paper at a general election, the necessary qualification is obtained and this removes the bar laid down by the above Articles.
- 23.2 The onus of proving that a candidate had made or subscribed the oath or affirmation before some other authorised person rests on the candidate himself. It is sufficient if the candidate or his representative satisfies you at the time of scrutiny that the candidate has made and subscribed the oath or affirmation before an authorised person for that election.
- 23.3 Section 36(2) (a) of the Representation of the People Act, 1951 requires that on the date for the scrutiny of nominations the nominated candidate should have the requisite qualification including the qualification of having made and subscribed the oath or affirmation. If the oath or affirmation is not made and subscribed before the date appointed for the scrutiny of nomination papers, the candidate will be held by you as not qualified to stand for the election. It is not necessary that every nomination paper of a candidate must be accompanied by the form of oath signed by the candidate.



- 23.4 The oath or affirmation has first to be made and then signed by the candidate before the authorized person. It should be borne in mind that mere signing on the paper on which the form of oath is written is not sufficient. The candidate must make the oath before the authorised person. The latter should ask the candidate to read aloud the oath and then to sign and give the date on the paper on which it is written. If the candidate is illiterate or unable to read the form the authorized person should read out the oath and ask the candidate to repeat the same and thereafter take his thumb impression on the form. In all cases, the authorised person should endorse on the form that the oath or affirmation has been made and subscribed by the candidate on that day and hour.
- 23.5 The authorised person will forthwith give a certificate to the candidate that he has made and subscribed the oath before him on that day at a particular hour. The certificate will be given to the candidate without his applying for it. This will avoid all controversy later on as to whether the candidate had taken the oath or not.
- 23.6 If the authorised person is the superintendent or commandant of the prison or camp he should issue forthwith to the candidate a certified copy of the oath for producing it as evidence before you at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send a written communication by the most expeditious means of transmission like FAX to you indicating the date and time at which the particular candidate made and subscribed the oath or affirmation. He will also send you the original of the oath or affirmation made and signed by the candidate.
- 23.7 If the authorised person is a medical superintendent of a hospital or medical practitioner or a diplomatic or consular representative of India in the country where the candidate happens to be or the district judge or person belonging to the judicial service of a State (other than district judge) or stipendiary presidency magistrate or stipendiary magistrate of the first class or any other person nominated by the Election Commission, he should as soon as the candidate has made and subscribed the oath or affirmation, certify this fact on the form, keep a copy for his record and hand over the original to the candidate. It will be the responsibility of the candidate to see that the original oath or affirmation is produced before you at or before the time fixed for the scrutiny of nomination papers.
- 23.8 You and the Assistant Returning Officers should get these forms of oath printed, cyclostyled or typed in the official language of that State and in English and keep them ready at hand. If any person intending to contest an election asks for a copy of the form it should be supplied to him. When a candidate who is confined to bed owing to illness takes his oath before a medical officer of a hospital or before a medical practitioner it will be his responsibility to obtain two copies of the oath form to enable the medical officer or the medical practitioner to administer the oath.

#### **24.1 NOTICE TO THE DEFAULTING CANDIDATES**

Strictly speaking, it is for the candidate himself to ensure that he makes and subscribes the requisite oath or affirmation so as to become qualified. In order,

however, to see that he does not lose sight of this mandatory requirement which would result in his nomination being rejected, the Commission desires that his attention may be drawn thereto by means of a written memo in the following form when his nomination paper is presented and examined from technical stand point :

### OFFICE OF THE RETURNING OFFICER

..... Constituency

Memo No .....

Date.....

To.....  
(Name of candidate)

This is to inform you that you have not made and subscribed an oath or affirmation as required by Article \*84(a) or 173(a) of the Constitution/section 4(a) of the Government of Union Territories Act, 1963/section 4(a) of the Government of National Capital Territory of Delhi Act, 1991. This may be done either before me or before any of the persons authorised by the Election Commission in this behalf on any day before the date appointed for scrutiny of nominations.

Date .....

Returning Officer

.....Constituency

---

Received Memo. No.: ..... Dated:.....from  
the Returning Officer,.....Constituency, today.

Place.....

Date .....

(Signature of candidate or proposer)

---

\*Strike off whichever is not applicable.

- 24.2 Copies of this form should be got cyclostyled and kept with you at the time of receipt of nomination papers. The name of the candidate or his proposer, whoever presents the nomination paper, should be entered in the memo which should be signed by you and handed over to him, and a receipt thereof obtained from him in the form provided for it at the foot of the main form. The receipt should be detached and kept with the nomination paper(s).

### NOTICE OF NOMINATIONS

25. After 3 p.m. on each day between the date of notification and the last date for making nominations, both days inclusive, publish on your notice board a notice of the nomination papers presented before you on that day in Form 3-A (Section 35 and Rule 7). Your Specified Assistant Returning Officer should also do the same in respect of the nomination papers presented before him at the end of each day. If more nomination papers than one have been presented before you in respect of the same candidate, notice must be given of all of them. A copy of this daily notice

should be forwarded to you by the Specified Assistant Returning Officer from day to day so that you may be aware of the latest position in the constituency as a whole.

#### **DISPLAY OF COPIES OF NOMINATION PAPERS AND AFFIDAVITS**

- 26.1 COPIES OF NOMINATION PAPERS FILED BY EACH CANDIDATE ALONGWITH COPIES OF THE TWO AFFIDAVITS ACCOMPANYING THE NOMINATION SHOULD BE DISPLAYED ON THE NOTICE BOARD IN YOUR OFFICE ON THE SAME DAY ON WHICH THE NOMINATION HAS BEEN FILED. IF ANYONE FURNISHES ANY INFORMATION CONTRADICTING THE STATEMENTS IN THE NOMINATION FORM OR THE AFFIDAVITS BY MEANS OF A DULY SWORN AFFIDAVIT, COPIES OF SUCH PAPERS SHOULD ALSO BE DISPLAYED ON THE NOTICE BOARD. IF ANYONE ASKS FOR A COPY OF THE PAPERS MENTIONED ABOVE, THE SAME SHOULD BE MADE AVAILABLE TO HIM/HER FREELY. COPIES SHOULD ALSO BE HANDED OVER TO MEDIA PERSONS FOR WIDE DISSEMINATION OF THE INFORMATION CONTAINED IN THE AFFIDAVITS.
- 26.2 A COPY EACH OF THE AFFIDAVITS FURNISHED BY THE CANDIDATES SHOULD BE MADE AVAILABLE AT THE EARLIEST BY YOU TO THE DISTRICT ELECTION OFFICER WHO WILL CONSOLIDATE ALL SUCH AFFIDAVITS RECEIVED BY THE RETURNING OFFICERS IN HIS DISTRICT AND MAKE AVAILABLE THE SAME TO ANY PERSON OR PERSONS DESIROUS OF OBTAINING THE SAME ON NOMINAL PAYMENT OF COPYING CHARGES.

#### **PUBLISHING INFORMATION ON 'GOVERNMENT DUES'**

- 26.3 The information furnished by the contesting candidates in relation to the Government dues to the five departments mentioned in item (3) (a) (iii) of the affidavit should be published by the Returning Officers concerned in at least two newspapers having local circulation, one of which should be a vernacular newspaper. This should be published by the Returning Officer within two days after preparing the list of contesting candidates. A format in which the Returning Officers may publish the information is given at **ANNEXURE XIV-B**. If there are more than one constituency in a District, the District Election Officer may publish the above information in a consolidated form in respect of all constituencies (constituency-wise) in that district, by suitably modifying the above-referred format.

#### **DEPOSITS**

- 27.1 Under the Law, i.e., section 34 of the Representation of the People Act, 1951, every candidate at an election to the House of the People must make a security deposit of Rs.10,000/- (Rupees Ten Thousand only). For an election to a State Legislative Assembly, the amount of security deposit is Rs.5,000/- (Rupees Five Thousand only).
- 27.2 A candidate belonging to a Scheduled Caste/Scheduled Tribe is required to make a security deposit of only half of the amounts mentioned above, even in a general constituency.

27.3 Every candidate presenting a nomination paper must have deposited either in cash with you or in the Reserve Bank of India or a Government Treasury the appropriate sum as required by section 34. Unless the sum is deposited in cash with you, a receipt in proof of the deposit must be enclosed with the first nomination paper presented on behalf of the candidate.

27.4 The deposit should be made under the following Head of Account for Election to Parliament:-

*8443 CIVIL DEPOSITS-121-DEPOSITS IN CONNECTION WITH ELECTIONS-2-DEPOSITS MADE BY CANDIDATES FOR PARLIAMENT.*

27.5 The deposit should be made under the following Head of Account for Election to State /Union Territory Legislatures:-

*8443 CIVIL DEPOSITS-121-DEPOSITS IN CONNECTION WITH ELECTIONS-1-DEPOSITS MADE BY CANDIDATES FOR STATE/UNION TERRITORIES LEGISLATURES ONE DEPOSIT SUFFICIENT FOR EACH CONSTITUENCY*

28.1 One deposit is required from each candidate in respect of his candidature in a constituency and once such a deposit has been made and the receipt enclosed with his first nomination paper, the candidate is not required to make any other deposit in respect of subsequent nomination papers which may be presented on his behalf in that constituency.

28.2 A candidate must, however, make a separate deposit in respect of each different constituency in which he files nomination papers. However no candidate can be nominated from more than two Parliamentary/Assembly constituencies

#### **DEPOSIT BY SCHEDULED CASTE OR SCHEDULED TRIBE CANDIDATE**

28.3 A candidate belonging to a Scheduled Caste or a Scheduled Tribe is not debarred from contesting an election from a general constituency. This is clear from section 55 of the Representation of the People Act, 1951 which says that a member of the Scheduled Castes or of the Scheduled Tribes shall not be disqualified to hold a seat not reserved for members of those castes or tribes, if he is otherwise qualified to hold such seat. A candidate who is a member of Scheduled Caste or Scheduled Tribe is, therefore, entitled to make the concessional amount of deposit specified in clauses (a) and (b) of section 34(1), irrespective of whether the constituency is a reserved constituency or not. It is not obligatory for such a candidate contesting an election from a general constituency to fill up the declaration in the nomination paper that he is member of a Scheduled Caste or a Scheduled Tribe. But the candidate to be eligible to deposit the concessional amount must satisfy you that he is a member of a Scheduled Caste or a Scheduled Tribe.

#### **TRANSMISSION OF NOMINATION PAPERS BY SPECIFIED ASSISTANT RETURNING OFFICER**

29. Instruct every Specified Assistant Returning Officer to forward to you, for further necessary action at your end; all the nomination papers received by him as also all other papers connected therewith, immediately after the last day for making nominations or if convenient, in batches from day to day. In any case, all such papers should reach you latest by 7 p.m. of the last day for making nominations.

#### **INTIMATION BY POLITICAL PARTIES ABOUT THEIR AUTHORISED CANDIDATES**

30. As has been mentioned in para 10 above, the nomination of a candidate set up by a recognized National or State party is required to be subscribed by only one elector as proposer, whereas the nomination of all other candidates (including candidates set up by registered-unrecognised parties) is to be subscribed by ten electors as proposers. Therefore, the question whether a candidate has been set up by a recognised National or State party becomes relevant at the time of scrutiny of nomination papers for determining as to whether the nomination has been validly subscribed by the required number of proposers or not. In view of this important provision in law, the Commission has directed that all political parties, whether recognised or registered-unrecognised, must send their intimations in regard to the candidates set up by them to the Returning Officers, not later than 3.00 p.m. on the last date for making nominations. Accordingly, you shall accept only those intimations from the political parties, in Forms A and B prescribed by the Commission for the purpose, which are received by you, latest by 3.00 p.m. on the last date for making nominations. Any intimation received by you thereafter shall not be taken into consideration for any purpose.

### PREPARATION OF CONSOLIDATED LIST OF NOMINATED CANDIDATES

- 31.1 Immediately after 3.00 p.m. on the last date for making nominations, or as soon as possible after you have received all the nomination papers from the Specified Assistant Returning Officer(s) under para 28 above, you should prepare a consolidated list of all the nomination papers, presented either before you or before the specified Assistant Returning Officer(s). Such consolidated list of nominated candidates shall be prepared in the following form:-

#### LIST OF NOMINATED CANDIDATES

Name \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_ State  
 .....  
 Name of Parliamentary/Assembly  
 Constituency.....

Sl. No.	Name of candidate	Address of candidate	Symbols chosen in order of preference by the candidate.	Name of political party (National/ State or registered) by which the candidate claims to have been set up/ independent candidate	Whether Forms 'A' and 'B' have been received by 3.00 p.m. on the last date for making nominations in respect of the candidate	Whether main candidate or substitute candidate of the party (as per party's intimation in Form B)
1	2	3	4	5	6	7

- (i) Candidates of recognised National and State Political Parties  
 (ii) Candidates of registered political parties (Other than recognised National and State Political Parties).

- (iii) Other candidates (Independent candidates)

Place .....

Date .....

Returning Officer

- 31.2 The names of nominated candidates in the above list are to be arranged in three categories, viz., (i) candidates of recognised National parties and State political parties recognized in the State concerned, (ii) candidates of registered unrecognized political parties, and (iii) other candidates (independent candidates). Such names, in each category, should be arranged alphabetically according to the script of the language first specified in the third column of S.Os 1/87 and 2/87, both dated the 17th July, 1987 as amended (**Annexure XVII**). It may be noted that candidates set up by political parties recognized in other State(s) have to be shown in category (ii) alongwith candidates of registered un-recognised parties. Further, the alphabetical arrangement of names should be made in accordance with the instructions contained in para 14 of Chapter VI. However, the serial numbers of candidates for all the three categories shall be given run-on consecutively, and not separately for each category. ‘
- 31.3 Even if more than one candidate has claimed to be set up by the same party, the names of all such candidates should be included in the relevant category, i.e., category (i) or (ii), as may be relevant. However, suitable remarks should be given in respect of each such candidate in columns 6 and 7 of the above list, taking into consideration the intimation received, if any, from the party concerned in the prescribed Forms A and B by 3.00 p.m. on the last date for making nominations. This will facilitate your task at the time of scrutiny of nomination papers of the concerned candidates.
- 31.4 You should also indicate in the above list, the symbols chosen, in the order of preference, by each candidate. For this purpose, the choice indicated in the nomination paper first delivered in respect of the candidate should be taken into account. However, in the case of a candidate claiming to have been set up by a recognised National or State party, and in whose favour the requisite intimation in Forms A and B has been received from the political party concerned by the stipulated date and time, the symbol reserved for that party should be shown in column 4, provided that the candidate concerned has, in any of his nomination papers duly filed by him, made a declaration that he has been set up by such party and has given the choice for the reserved symbol of that party.
- 31.5 If more nomination papers than one have been presented in respect of the same candidate, it is not necessary to include the name of that candidate in the list more than once.
- 31.6 Send one copy of this list to the Chief Electoral Officer and another to the Manager of the State Government Press, by the fastest means of communication, marked ‘Election Immediate’. One copy of the list should also be sent forthwith to the Election Commission.
- 31.7 On many occasions in the past, it has come to the notice that while preparing the list of nominated candidates, complete address of the candidate is not indicated under column 3 of the list in the above form. Consequently, while preparing the lists of validly nominated candidates and contesting candidates, the address of the candidates remains incomplete. This creates a lot of difficulties and inconvenience at later stages when some communication is required to be sent to the candidate. Therefore, every care should be taken to ensure that complete address of each candidate is indicated properly in the list of nominated candidates.

#### **MAINTENANCE OF ACCOUNTS OF ELECTION EXPENSES BY CANDIDATES FROM DATE OF THE NOMINATION**

- 32.1 Under the law (Section 77 of the Representation of the People Act, 1951), every candidate or is election agent has to keep a separate and correct account of all expenditure in connection with his election to the House of the People or, as the case may be, Legislative Assembly of a State/Union Territory, incurred or authorised by him or

by his election agent between the date on which he has been nominated as a candidate and the date of declaration of result of the election, both dates inclusive. (see also Chapter XVII in this regard.)

- 32.2 Further, under section 78 of the said Act, every contesting candidate has to lodge a true copy of the said account within 30 days from the date of declaration of result of the election, with the District Election Officer.
- 32.3 In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses from the dates of their nominations and filing of their returns of election expenses in the manner and within the time required by law, you shall invite the attention of each candidate to the above provisions of law in writing. This should be done by addressing a letter to each candidate as in **Annexure XVIII-A**, as soon as he files his nomination paper.
- 32.4 The format of the register prescribed by the Commission for maintaining the account of election expenses by the candidates is given at **Annexure XVIII-C**. The candidates are required to maintain the day-to-day account of election expenses and the details of the expenditure incurred by political parties, other associations, individuals, etc.
- 32.5 The Commission has directed that as soon as a candidate files his nomination paper, a Register in the standard proforma as given in **Annexure XVIII-C** shall be issued by the Returning Officer to the candidate or his duly authorised agent against a proper receipt thereof. Each register will be duly numbered and authenticated by the District Election Officer. The candidate shall maintain his day to day account of election expenses in that Register itself and in no other document. That Register containing his account shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law. The day to day account in the Register shall also be accompanied by the abstract statement showing the details of expenditure on the proforma given in **Annexure XVIII-D**.
- 32.6 The account filed by a contesting candidate is also required to be accompanied by an affidavit from the candidate in the prescribed proforma which is also part of the model proforma given in **Annexure XVIII-D** mentioned above.
- 32.7 ALONG WITH THE REGISTER, PROFORMA OF THE ABSTRACT STATEMENT GIVING DETAILS OF EXPENDITURE AND FORM OF THE AFFIDAVIT SHOULD ALSO BE HANDED OVER TO THE CANDIDATE.
- 32.8 The candidate should be asked to acknowledge the receipt of the said letter and its enclosures including the abovementioned Register then and there. The acknowledgment should be obtained in the proforma given in **Annexure XVIII-D** mentioned above.
- 32.9 All the acknowledgments obtained from the candidates should be sent by you to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures.
- 32.10 It may be noted that as per Explanation 1 and 2 under Section 77(1), only the expenses on account of travel of 'leaders' of the political party covered under Explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses incurred/authorised by the political parties, other associations, body of persons, individuals are required to be included in the account.
- 32.11 (i) The Commission has also directed that the accounts of election expenditure of candidates should be periodically inspected. However, all officers including

Returning Officers/Assistant Returning Officers/District Election Officers/Election Observers, etc., must, while inspecting the accounts at random, ensure that such an inspection does not become a source of harassment/oppression to the detriment of the electioneering of the candidate which is his legal right.

- (ii) The day to day account maintained by the candidate in the prescribed register together with the supporting documents shall be made available for inspection *at least thrice* during the process of election to the DEO/RO/Election Observer appointed by the Commission or any other such authority nominated by the Commission in this behalf. *However, it shall be ensured that there is a gap of about 4(four) days in between each inspection and the first inspection may be on or after the third day from the last date of withdrawal of candidatures.* After scrutiny of the accounts by the appointed authority, two copies of the relevant pages of the register shall be retained by them. One copy of the relevant pages of the accounts register will be displayed on the notice board of the Returning Officer and the other copy will be retained in a separate file for each candidate Constituency-wise as proof of record with the Returning Officer and furnished to the District Election Officer on conclusion of the poll process.

32.12 For further reference in this connection see Chapter XVII.

#### **INTIMATION TO CONTESTING CANDIDATES REGARDING RESTRICTIONS ON THE PRINTING OF PAMPHLETS OR POSTERS, ETC.**

- 33.1 Section 127A of the Act requires that every election pamphlet or poster should have on its face the names and addresses of the printer and publisher thereof, and that within a reasonable time after printing the document, one copy of the declaration as to the identity of the publisher together with a copy of the document should be sent to the Chief Electoral Officer of the State (if it is situated in the State Capital), or to the District Magistrate of the District, in which it is printed. Any contravention of this provision shall be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to two thousand rupees, or with both.
- 33.2 In order that there is strict observance of and compliance with, the requirements of the abovementioned provisions of law on the subject, the Commission has issued detailed directions in its Order No. 3/9 (ES008)/94-J.S. II, dated 02.09.1994.
- 33.3 A copy of the said Order dated 02.09.1994 is given in **Annexure-XIX**.
- 33.4 You should carefully go through the contents of the said Order for strict observance of, and compliance with the same. If any Officer who is responsible for the enforcement of the provisions of law and the directions of the Commission in this regard is found to have failed in the due discharge of his duties, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.
- 33.5 Copies of the Order at **Annexure XIX** shall be handed over to each candidate when he comes to the Office of the Returning Officer for filing of his nomination paper and an acknowledgement obtained in writing thereof.
- 33.6 The Chief Electoral Officer and the Returning Officer shall bring in writing to the notice of all printing presses the contents of the Order at **Annexure XIX** and shall also issue a Press Note for the guidance of the candidates and to make the public aware of strict provisions of law relating to printing of posters, pamphlets etc. by the candidates and political parties.



## **ISSUE OF IDENTITY CARDS TO POLLING AGENTS**

- 33.7 Only the electors ordinarily residing in the concerned polling area and having Electors' Photo Identity Cards (EPIC) can be appointed polling agents by the contesting candidates. However, if any such registered elector who does not have an EPIC is proposed to be appointed as a polling agent by a contesting candidate, then the Returning Officer shall make necessary arrangement for issue of EPIC to him after getting a written request from the concerned contesting candidate or his election agent.

## **CHAPTER VI SCRUTINY**

### **SCRUTINY OF NOMINATIONS BY RETURNING OFFICER**

1. The scrutiny of the nomination papers should be done by you and not by any of the Assistant Returning Officers. The only exception to this mandatory requirement is when you are unavoidably prevented from doing so, in which case one of the Assistant Returning Officers authorised by you in this behalf can do the scrutiny. Such exceptions should, however, be extremely rare. If it happens unfortunately in your constituency and you have to delegate this duty unavoidably, it would be safe to record immediately the unavoidable reasons for such delegation as also your written authority in favour of one of your Assistant Returning Officers by name. You should also intimate the DEO about it immediately.

### **PERSONS TO BE ADMITTED**

2. On the day and at the hour fixed for the purpose, take up the scrutiny of the nomination papers. Admit at the scrutiny only such persons as are entitled to be present under section 36, viz., the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate (such person can be an advocate also, if the candidate so desires), and no other person. In the case of candidates set up by registered un-recognised political parties and independent candidates also, only one of the proposers may be admitted at the scrutiny.

### **EXAMINATION OF NOMINATION PAPERS BY CANDIDATE, ETC.**

- 3.1 If any candidate, his election agent, his proposer or the person authorised by him desires to examine any of the nomination papers or the accompanying documents, allow him all reasonable facilities for doing so.
- 3.2 You must also inform all present whether all candidates have furnished the requisite information in the prescribed proformae duly supported by affidavits (Form 26 and Affidavit at **Annexure-XIV**), relating to convictions, if any, assets, liabilities, etc

### **ALL NOMINATION PAPERS TO BE SCRUTINIZED**

- 4 You should then take up nomination papers one after another and scrutinize them. If more than one nomination paper have been presented by or on behalf of one candidate, you should take them up together and scrutinize them one after another. In case there is any minor error in any one of the nomination papers of a candidate in regard to particulars, such as, part number, name, serial number etc. of the electoral roll, it can be made up with correct particulars given in another nomination paper of the same candidate. All the nomination papers, whether presented to you or to the Specified Assistant Returning Officer, must be scrutinized by you. Merely because one or more nomination papers of a candidate have been already found valid by you, it would not be correct or legal to pass over other nomination papers of that candidate without scrutiny.

### **OBJECTIONS AND SUMMARY INQUIRY – REASONS TO BE RECORDED IN EVERY CASE OF OBJECTION OR REJECTION**

5. Even if no objection has been raised to a nomination paper, you have to satisfy yourself that the nomination paper is valid in law. If any objection is raised to any nomination paper, you will have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid. Record your decision in each case giving brief reasons particularly where an objection has been raised or where you reject the

nomination paper. The objector may be supplied with a certified copy of your decision accepting the nomination paper of a candidate after overruling the objections raised by him, if he applies for it. Your decision may be challenged later in an election petition and so your brief statement of reasons should be recorded at this time.

### **PRESUMPTION OF VALIDITY**

6. There is a presumption that every nomination paper is valid unless the contrary is prima facie obvious or has been made out. In case of a reasonable doubt as to the validity of a nomination paper, the benefit of such doubt must go to the candidate concerned and the nomination paper should be held to be valid. Remember that whenever a candidate's nomination paper is improperly rejected and he is prevented thereby from contesting the election, there is a legal presumption that the result of the election has been materially affected by such improper rejection and the election will, therefore, be set aside. There is no such legal presumption necessarily in the converse case where a candidate's nomination has been improperly accepted. It is always safer, therefore, to adopt a comparatively liberal approach in dealing with minor technical or clerical errors.

### **SCRUTINY – A QUASI-JUDICIAL DUTY**

7. While holding the scrutiny of nomination papers, you are performing an important quasi-judicial function. You have, therefore, to discharge this duty with complete judicial detachment and in accordance with the highest judicial standards. You must not allow any personal or political predilections to interfere with the procedure that you follow or the decision you take in any case. Fairness, impartiality and equal treatment to all candidates are expected of you by law. You must also devote yourself in such a manner that it would appear to all concerned that you are following this high code of conduct. Even if a candidate or his agent is difficult or cantankerous, you must show courtesy and exercise patience. But at the same time you have to be firm so that your task may be accomplished in a prompt, orderly and businesslike manner.

### **CRUCIAL DATE FOR DETERMINING QUALIFICATION AND DISQUALIFICATION**

- 8.1 You will notice that sub-section (2) (a) of section 36 of the Act, clarifies that the qualification or disqualification of a candidate should be related to the date fixed for scrutiny of nominations. This is sometimes material, e.g., in regard to the age of a candidate or in regard to being an elector in a constituency or in regard to the subsistence of a contract with Government, etc. in deciding whether a person is qualified or disqualified to contest the election. You should, therefore, see whether the disqualification subsists on the date fixed for scrutiny.
- 8.2 Article 84, 102, 173 and 191 of the Constitution and Chapters II and III of Part II of the Representation of the People Act, 1951 deal with qualifications and disqualifications for membership of Parliament and State Legislatures. You should carefully study these provisions.

### **GROUND WHICH ARE INSUFFICIENT FOR REJECTION OF NOMINATION PAPERS**

- 9.1 Do not reject any nomination paper on the ground of any defect which is not of a substantial character [Section 36(4)]. Any mistake or error of a technical or clerical nature should, therefore, be ignored by you.
- 9.2 You may also note that rule 4 of the Conduct of Elections Rules, 1961, lays down that the failure to complete, or defect in completing a declaration regarding symbols in the nomination paper is not a defect of a substantial character.

- 9.3 Also, a nomination paper should not be rejected for the reason only that none of the persons referred to in section 36(1) was present at the time of scrutiny of nomination; it should be accepted or rejected on merits, taking all the available material into account.
- 9.4 In the past, there were instances where nomination papers were rejected on flimsy grounds, e.g. for mistakes made in the nomination paper regarding; (a) the year of election, or (b) the exact name of the House of the Legislature or the constituency, (c) the description of an electoral roll number, or (d) the choice of symbols, or (e) some discrepancy between the age, name, or other particulars of the candidate or his proposer as given in the nomination paper and in the electoral roll and so on. Such unjustifiable and improper orders of rejection on technical grounds had led to a large number of election petitions and the eventual setting aside of several elections with consequent avoidable waste of time, money and labour for all concerned. Similar instances of improper rejections should not occur again and it is upto you to interpret the provisions of the law intelligently and with commonsense. Do not, therefore, reject any nomination paper for such technical or clerical errors or discrepancies. Most of them can and should be directed by you to be set right at the time of the presentation of the nomination paper [section 33 (4) proviso]. It would, therefore, be very undesirable if you fail at the proper stage to help a candidate by exercising your powers and discretion under the proviso to section 33(4) and later at the time of scrutiny you reject his nomination paper on the ground of those very defects which could have been set right under that section.
- 9.5 You should examine meticulously the receipts for payments made as deposit either in the Reserve Bank of India or in a Government Treasury with reference to the seals of the Treasury or Bank, etc. and make sure that the deposit has actually been made in the Bank or Treasury. It may be ensured that where a Treasury is a 'Banking Treasury' the payment receipt of the Bank is endorsed on the Challan. Doubts, if any, should be got clarified then and there.

## **GROUND FOR REJECTION OF NOMINATION PAPERS**

10.1 You must reject a nomination paper, if-

- (i) the candidate is clearly not qualified in law to be a member of the Legislature concerned, or
- (ii) the candidate is clearly disqualified in law to be such member, or

**[N.B.]** The Commission will supply to you through the Chief Electoral Officer consolidated list of persons, who have incurred disqualification under sections 8A and 11A(b) (for corrupt practices) and 10-A (for failure to lodge account of election expenses) of the Representation of People Act, 1951. In other cases you may, if necessary, consult the Chief Electoral Officer.]

- (iii) the nomination paper has been delivered before 11 a.m. or after 3 p.m., on any of the days notified for making nominations, or
- (iv) the nomination paper has been delivered to you or to your Specified Assistant Returning Officer by a person other than the candidate himself or any of his proposers, or
- (v) the nomination paper has been delivered at a place other than that specified in the public notice, or
- (vi) the nomination paper has been delivered to a person other than yourself or your Assistant Returning Officer, specified by you in this behalf, or

- (vii) the nomination paper is not substantially in the prescribed form, or
- (viii) the prescribed affidavits have not been filed at all by the candidate, or
- [N.B. If the prescribed affidavits have been filed, but are found or considered to be defective or containing false information, the nomination should NOT be rejected on this ground.]
- (ix) the nomination paper has not been signed by the candidate and/or by the required number of his proposer(s), or
- (x) any of the proposers was not an elector of the constituency or was not eligible to be a proposer at the time of presentation of the nomination paper (whereby the nomination paper is not subscribed by the required members of proposers), or
- (xi) the proper deposit has not been made in accordance with section 34, or
- (xii) the oath or affirmation is not made by the candidate as required under the Constitution of India, Government of Union Territories Act, 1963 or the Government of National Capital Territory of Delhi Act, 1991, as the case may be, or
- (xiii) the candidate does not belong to the Scheduled Caste or the Scheduled Tribe and he has filed nomination paper to contest a seat reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes, or
- (xiv) the candidate has omitted to specify his age in the nomination paper, or
- (xv) where the candidate is not an elector of the constituency for which he has filed nomination paper, he has neither filed a copy of the electoral roll of the constituency in which he is registered as an elector or of the relevant part thereof or a certified copy of the relevant entries relating to his name in such electoral roll alongwith the nomination paper nor produced the same at the time of scrutiny as required under section 33(5). In such event, the nomination paper must be rejected even if you are in possession of the electoral roll of that different constituency.

10.2 You should invariably record the reasons for rejecting a nomination paper on the spot, and supply certified copies of the order immediately in cases where all the nomination papers filed by a candidate have been rejected by you. This may be done even in the absence of an application from him and without payment. Where one of the nomination papers of a candidate is accepted by you, in that case, you shall supply a certified copy of your order rejecting the other nomination paper(s) to the candidate, if he applies for it.

10.3 In view of the provision in law (made in 1996) whereby the nomination papers of candidates set up by recognised National and State Parties are required to be subscribed by only one elector as proposer and of other candidates by ten electors as proposers certain clarifications were sought from the Commission regarding setting up of candidates by political parties. Clarifications given on these points are as under:-

- (i) Nomination paper filed by a candidate claiming to have been set up by a recognized National or State Party subscribed by only one elector as proposer, will be rejected, if a notice in writing to that effect has not been delivered to the Returning Officer of the constituency by an authorised office bearer of that political

party by 3.00 p.m. ON THE LAST DATE FOR MAKING NOMINATIONS IN FORMS 'A' AND 'B' devised by the Commission for the purpose under para 13 of the Election Symbols (Reservation and Allotment) Order, 1968.

- (ii) If a candidate has filed more than one (but not more than four) nomination papers - some as candidate set up by a recognised political party and the others as candidate set up by an un-recognised political party or as an independent candidate - in case the nomination paper filed as a candidate of a recognised political party is rejected on the ground of the non-receipt of the said notice in Forms 'A' and 'B' by 3.00 p.m. on the last date for making nominations from the concerned recognised political party, any or all other nomination papers will be accepted if the same are proposed by ten electors and are otherwise found valid on scrutiny. In such a case, he would be deemed to be a candidate set up by an un-recognised party, if such party has sent notices in Forms 'A' and 'B' by 3.00 p.m. on the last date for making nominations and otherwise as an independent candidate. (In such event, the choice of symbols in the nomination paper with ten proposers first delivered to the Returning Officer by that candidate or on his behalf will only be considered whether that nomination paper is accepted or rejected during scrutiny.)
- (iii) If a candidate has filed one nomination paper with both Parts I & II thereof filled and he fails to bring notice in Forms 'A' and 'B' from the authorised officer-bearer of the concerned political party, the nomination paper may be accepted if Part II is properly filled and subscribed by ten electors as proposers, as there will be substantial compliance with the provisions of Section 33 of the Representation of the People Act, 1951.
- (iv) If a candidate, who filed his nomination paper as candidate claiming to be set up by an un-recognised political party, fails to bring in his favour a notice from the concerned political party in Forms 'A' and 'B', his nomination paper will be accepted if it is subscribed by ten electors as proposers, and he would be deemed to be an independent candidate.
- (v) If it is found at the time of scrutiny that a candidate has been nominated from more than two constituencies of the same class of a general election or the simultaneous bye elections, his/her nomination paper filed in the third, fourth constituencies, etc. will not be maintainable under section 33(7). Further, a candidate who has been nominated from more than two constituencies will also be guilty of making a false declaration in his nomination paper which contains a categorical declaration that he has not been nominated from more than two constituencies. The Returning Officer must, however, be absolutely satisfied beyond any shadow of doubt that the candidate concerned has filed nominations from more than two constituencies, before rejecting his nomination in the third/fourth constituency etc. on this ground.
- (vi) If nomination papers of a candidate, one nominating him as a candidate set up by a recognised political party and the other as an independent candidate, are accepted, he may be deemed to be a candidate set up by a recognised political party. (vii) The nomination paper of a substitute candidate of a recognised political party will be rejected if the nomination paper of the main approved candidate of that recognised political party is accepted. **However, if such substitute candidate has also filled Part II of the nomination paper or filed another nomination paper subscribed by ten electors as proposers, his nomination paper(s) will be scrutinised independently by treating the candidate as an independent candidate.** Further, if the nomination paper of the main approved candidate of the party is rejected, then also the nomination paper of the substitute

candidate will be accepted, provided that the party has intimated his name as its substitute candidate in Form 'A' and 'B' filed before 3 pm on the last date for making nominations.

- [N.B. It must be noted that a State Party which is recognised in some other State/Union Territory but is not recognised as such in your State/Union Territory, such party shall be treated as unrecognised party by you, even if it has been allowed by the Commission to use its reserved symbol in your constituency under the Symbols Order.]

### **ADJOURNMENT OF HEARING OF OBJECTION**

11. If a candidate to whose nomination paper an objection has been taken applies for time to rebut such objection, you should adjourn the hearing of the objection till the next day or the day after that, but not beyond 11.00 a.m. on that day. The scrutiny of all other nomination papers must, of course, be completed on the day of scrutiny, notwithstanding such adjournment in respect of one or more nomination papers. If the day next is a holiday, the hearing should be completed before 11 a.m. on the day fixed for withdrawal of candidatures.

### **LIST OF VALIDLY NOMINATED CANDIDATES**

12. When the scrutiny has been completed, draw up a list of the validly nominated candidates, in Form 4. There will be one entry only in respect of each validly nominated candidate in the list, although more nomination papers than one in respect of him may have been accepted as valid by you. Do not enter name of any candidate in this list if none of his nomination papers has been found valid on scrutiny.

### **CORRECTION IN THE NAMES OF CANDIDATES**

- 13.1 In the past, there have been complaints from some candidates that their names were not correctly spelt in the ballot paper. In order to avoid such complaints, each candidate or in his absence his election agent or his proposer, may be required to give in writing the correct spelling of the name of the candidate in each of the languages in which the ballot papers are to be printed, either at the time of filing the nomination or immediately after the scrutiny of nominations is over or at the time of the allotment of symbols.
- 13.2 If a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to you the proper form and spelling of his name and you shall, on being satisfied as to the genuineness of the request make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates.

### **ARRANGEMENT OF NAMES IN THE LIST OF VALIDLY NOMINATED CANDIDATES, ETC.**

- 14.1 As per Section 38 of the Representation of the People Act, 1951 and Form 4 (list of validly nominated candidates) and Form 7A (List of contesting candidates) (**Annexure XX**), names of candidates in the said list have to be arranged under three categories, i.e. (i) candidates of recognised National parties and State political parties in the States concerned, (ii) candidates of registered unrecognized political parties and (iii) other (independent) candidates. Therefore, names of candidates have to be arranged in the said lists and also on the ballot papers in the same order under these categories. It may be noted that names have to be arranged alphabetically in each of the above mentioned three categories separately, in the manner explained in paras 31.1 and 31.2 of Chapter V

(However, the headings of the above mentioned three categories as given in Forms 4 and 7A should not appear on the ballot papers.)

- 14.2 You will determine the arrangement of the names of candidates in alphabetical order in each of the three categories in the list of validly nominated candidates, the list of contesting candidates and also in ballot papers on the basis of the first letter of his name irrespective of whether the name given is the proper name or surname. The initials, if any, prefixed to the name of a candidate should be ignored for the aforesaid purpose. Thus in the case of candidate giving his name as T.K. Reddy, the place of that candidate, according to alphabetical order in the relevant category should be determined with reference to the letter 'R and not T. However, if two candidates in the same category have the same name but different initials, for example P.S. Reddy and T.K. Reddy, then the two names should be arranged inter se with reference to the first letter of the initials. Further, if two or more such candidates have the same name but different surnames, then their names should be arranged inter se in alphabetical order with reference to the surnames.
- 14.3 Rules 22(3) and 30(3) of the Conduct of Elections Rules 1961 provide that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. In such cases, the arrangement of names of those candidates, if falling under the same category in the list of validly nominated candidates and contesting candidates and in the ballot paper will be with reference to the distinguishing names of the candidates.
- 14.4 There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title should on no account be taken into consideration, in the arrangement of names in alphabetical order in the lists of validly nominated candidates or of contesting candidates or in the ballot papers.
- 14.5 Arrange the names of the candidates in the list of validly nominated candidates alphabetically according to the script of the language as specified or first specified in the third column of S.Os. 1/87 and 2/87, both dated the 17th July, 1987 as amended **(Annexure XVII)**.
- 14.6 Send two copies thereof to the Chief Electoral Officer by the next available post or by Fax/Telex/Telegram or by special messenger. Also forward one copy of the list alongwith an English translation, to the Election Commission. The list of validly nominated candidates should be sent by you on the very day on which scrutiny of all nomination papers is completed, and dispatched immediately so that it may reach the Commission before the last date for the withdrawal of candidatures.



## **CHAPTER VII WITHDRAWAL OF CANDIDATURES**

### **NOTICE OF WITHDRAWAL**

- 1.1 Any candidate may withdraw his candidature by giving you a notice in Form 5 signed by him and delivered before 3 O'clock in the afternoon of the last date fixed for such withdrawal. Any withdrawal after that hour is invalid and has no legal effect. Every notice of withdrawal must be delivered to you by (i) the candidate, or (ii) any of his proposers, or (iii) his election agent. The said proposer or the election agent must, however, have been authorised in writing by the candidate to deliver the notice of withdrawal on his behalf. If there is no such authority or if the person so authorised by the candidate is neither his proposer nor his election agent, the withdrawal is of no effect and must be ignored. Nominations of candidates set up by registered un-recognised political parties and independent candidates have to be subscribed by ten proposers. The candidate may authorise any one of them to deliver his notice of withdrawal to you and it will be valid and must be given effect to if it has been delivered to you in time.
- 1.2 The notice of withdrawal should neither be delivered to, nor be received by you, on a day which is a public holiday, as defined in section 2 (1) (h) of the said Act.
- 1.3 The Commission is of the view that a candidate may give notice of withdrawal only after the scrutiny of nominations is over; such notice can be given on the date of scrutiny after the scrutiny is over or on the next day, if it is not a public holiday, or, on the second day after the date of scrutiny in terms of section 37 and if the second day is a public holiday, then on the next succeeding day which is not a public holiday.
- 1.4 The notice of withdrawal can be delivered before three O'clock in the afternoon of the last date fixed for the withdrawal of candidatures. On the day of scrutiny of nominations and the next day, if it is not a public holiday, such notices can be delivered during the normal working hours of the Returning Officer's office, that is to say, even before 11.00 A.M. or after 3.00 P.M.

### **RECEIPT FOR WITHDRAWAL**

2. Form 5 contains in its bottom portion a receipt which you have to fill in and hand over to the person who delivers the notice of withdrawal to you. Detach the receipt portion from the body of the form and hand it over to that person then and there. Also fill in the other particulars in the notice of withdrawal below the signature of the candidate. This document will be your record of the withdrawal.

### **VALID WITHDRAWAL NOT TO BE CANCELLED**

3. Once a candidate has validly withdrawn, he cannot be allowed to cancel such withdrawal and to continue as a candidate [Section 37(2)].

### **PUBLICATION OF NOTICES OF WITHDRAWAL**

4. As soon as any valid notice of withdrawal is received by you, publish as notice thereof in Form 6 on your notice board.

### **LIST OF CONTESTING CANDIDATES**

- 5.1 Immediately after 3 P.M. on the last day fixed for withdrawal of candidatures, draw up a list in Form 7A of contesting candidates one or more of whose nomination papers was found by you to be valid and who have not withdrawn their candidatures.

- 5.2 The list of contesting candidates in Form 7A shall be drawn up in accordance with the instructions contained in the preceding Chapter VI.
- 5.3 In the list of contesting candidates, you have to mention the party affiliation, if any, of each candidate and the symbol allotted to him. Detailed instructions are given in the following chapter regarding the allotment of symbols to candidates. Study those instructions carefully and apply them meticulously while allotting symbols to candidates.
- 5.4 Immediately after the preparation of the list of contesting candidates cause a copy of the list to be affixed in some conspicuous place in your office. You shall also supply a copy of the list of contesting candidates to each such candidate or his election agent.
- 5.5 Sub-rule(1) of rule 31 requires a copy of the list of contesting candidates to be displayed outside each polling station.
- 5.6 The lists of contesting candidates should be prepared according to the direction contained in S.O. Nos. 1/87 and 2/87, both dated the 17th July, 1987 as amended (**Annexure XVII**).
- 5.7 Inform the Chief Electoral Officer immediately by Fax/Telex/Telegram or special messenger the names of the contesting candidates and the symbol allotted to each of them. Any delay may seriously affect the programme for printing of ballot papers. Also send a copy of the list alongwith its translation in English to the Election Commission.
- 5.8 If, subsequently, the allotment of symbol to any candidate made by you has been revised under the direction of the Commission, the list of contesting candidates would require to be suitably amended.

#### **LIST OF CONTESTING CANDIDATES**

- 6.1 Rule 11(2) of the Conduct of Election Rules, 1961, requires that you shall publish the list of contesting candidates in the Official Gazette. The responsibility for getting the list published in the Gazette is laid on you. But as the press may not accept the notification direct from you for publication in the Gazette, the Commission has directed that the publication of these lists should be arranged through the Chief Electoral Officer in the case of election to the State Legislatures and through the Election Commission of India in the case of election to Parliament, as may be necessary. As, however, all these elections are held under the superintendence, direction and control of the Election Commission, these notifications should indicate at the top that they are notifications of the Election Commission of India. The specimen forms of notification for publishing the list of contesting candidates in the Official Gazette at general election as well as in bye election, are given at **Annexure XX**.
- 6.2 It is necessary to prepare the list of contesting candidates even in the case of uncontested election. It is, however not necessary to publish it in the Official Gazette.

#### **SAFE DEPOSIT OF PAPERS RELATING TO NOMINATIONS, SCRUTINY AND WITHDRAWAL OF CANDIDATURES WITH THE DISTRICT ELECTION OFFICER**

7. All election papers and proceedings relating to nominations, scrutiny and withdrawal of candidatures for an election in each constituency should be put together in a packet or envelope which should be sealed with your seal and kept in your personal custody. These should then be sent to the District Election officer for safe custody after the declaration of the result of the election is made. The name of the constituency and a brief description of its contents should be noted on the packet or envelope for ready reference.

## ISSUE OF IDENTITY CARDS TO CONTESTING CANDIDATES

- 8.1 After the finalisation of the list of contesting candidates, issue an identity card to each contesting candidate in the form given below:-

### CANDIDATE'S IDENTITY CARD

Shri..... is a contesting candidate for election  
To the ..... from the ..... constituency,  
and is set up by the ..... party.

.....  
(Signature of the candidate)

**Photograph**

Attested by

Place .....

Date .....

Returning Officer  
(Seal)

**[N.B.** If the candidate is set up by a National party or a State party or an unrecognised party registered with the Commission you should enter the name of the party, otherwise last line in the form should be scored out.]

- 8.2 The Commission has decided that in all elections, the identity cards issued to contesting candidates shall bear their photographs. For this purpose, all candidates should be instructed by the Returning Officer to furnish two copies of their recent photographs as soon as the list of contesting candidates is finalised on the last date for withdrawal of candidatures. The identity cards of all candidates should be prepared in duplicate, so that the duplicate copy is kept as office copy for the purposes of record by the Returning Officer. Photograph should be pasted on the top right portion of the identity card. For this purpose, the identity card in the prescribed format should be got printed in adequately big size so that it contains sufficient space for pasting the photograph on the right top portion. Photograph of the candidate should be attested by the Returning Officer and his seal should be so put on the photograph that a portion thereof is affixed on the photograph and the rest on the identity card.

- 8.3 You must keep required number of forms.

## ATTENTION OF CANDIDATES TO BE INVITED TO LAW RELATING TO CORRUPT PRACTICES & ELECTORAL OFFENCES

9. For the sake of purity of elections and for the guidance of the contesting candidates, you should draw attention of the contesting candidates by a notice in writing to the provisions relating to the corrupt practices and electoral offences in the Representation of the People Act, 1951, and offences relating to elections contained in Chapter IX-A in the Indian Penal Code. The candidates should be clearly informed in the said notice that the list contained in the notice should not be taken as exhaustive. For the purpose of giving such notice, a model form is given in **Annexure XXI**. The above notice may be issued to the contesting candidates immediately after the last date fixed for the withdrawal of candidature.

## APPOINTMENT OF ELECTION AGENTS

- 10.1 Note that under the law, it is not necessary or incumbent on a candidate to appoint an election agent at the time of filing of his nomination paper. Such appointment may, if the candidate so desires, be made at any time he likes or not at all. In other words, the appointment of an election agent has, in the first place, been made optional and secondly, has been made independent of the nomination. Every such appointment has to be made by a formal communication by the candidate in Form 8 in duplicate which has to be forwarded to you. Return one copy thereof to the election agent after affixing thereon your seal and signature in token of your approval of the appointment.
- 10.2 The Commission has decided that *Photo* Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 8 itself should serve the purpose of such identity card. In future, all candidates should be instructed to affix the photographs also of their election agents on the right top portion of both the copies of their appointment letters in Form 8. These photographs should also be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of candidates in para 8.2.
- 10.3 Any person who is disqualified under the Constitution or under the Representation of the People Act, 1951, for being a member of either House of Parliament or either House of the Legislature of a State or for voting at elections shall, so long as the disqualification subsists, be disqualified for being an election agent at any election.
- 10.4 THE COMMISSION HAS INSTRUCTED THAT THE MINISTERS OF THE UNION OR STATES AND MPs, MLAs, MLCs AND ANY OTHER PERSON PROVIDED WITH SECURITY COVER BY THE STATE SHALL NOT BE APPOINTED AS ELECTION AGENTS (AND ALSO AS POLLING AND COUNTING AGENTS) AS THE SECURITY PERSONNEL ACCOMPANYING THEM CANNOT BE PERMITTED TO ENTER POLLING STATION AND COUNTING CENTRE, NOR CAN THEIR SECURITY BE JEOPARDISED IN THE ABSENCE OF THEIR SECURITY PERSONNEL. NO PERSON WITH SECURITY COVER CAN BE ALLOWED TO SURRENDER THE SECURITY COVER TO ENABLE HIM TO BECOME AN ELECTION AGENT.

## REVOCATION OF APPOINTMENT OF ELECTION AGENT

11. A candidate may revoke the appointment of election agent at any time by a letter in Form 9 which is to be lodged with you in order to take effect. If an election agent's appointment has been revoked or if he dies, the candidate may appoint another election agent in his place.

## SPECIMEN SIGNATURES OF CANDIDATE AND HIS ELECTION AGENT

12. In order to prevent any malpractices at polling stations by unscrupulous persons pretending to be polling agents appointed by the candidates or their election agents, you should obtain and circulate the specimen signatures of the candidates and their election agents to each Presiding Officer in the proforma as given in **Annexure XXII**, so that the Presiding Officers are in a position to verify the signatures of candidates/their election agents on any form or document presented on their behalf.

## **CHAPTER VIII ALLOTMENT OF SYMBOLS**

### **APPROVED ELECTION SYMBOLS**

- 1.1 The Commission has issued an Order, namely, Election Symbols (Reservation & Allotment) Order, 1968 relating to specification, reservation and allotment of symbols.
- 1.2 That Order also makes provisions for the recognition of parties as National and State Parties. The latest copy of the Order is reproduced in **Annexure XXIII**. In exercise of the powers under para 17 of this Order, the Commission has notified the names of the recognised National and State parties, the list of symbols respectively reserved for them, the list of registered unrecognized parties and the list of free symbols approved for each State. No candidate can choose a symbol outside these lists. If he does, such choice must be ignored by you.
- 1.3 For this purpose, you must always refer to the latest notification issued by the Commission in this regard, and as amended from time to time. A copy of the updated notification should be obtained from the Chief Electoral Officer, as soon as an election is announced from your constituency. In case of General Election, the Commission will be sending the Symbol Order notification to the Chief Electoral Officer who will affix a rubber stamp on the cover of the book indicating like " For use in General Elections, <Name of the State, Year of election". This will be circulated to all DEOs/ROs and only these copies will be used by them

### **CHOICE OF SYMBOLS BY CANDIDATES**

- 2.1 A candidate sponsored by a National or State Party shall choose and shall be allotted only the symbol exclusively reserved for that party and no other symbol. In view of this, such a candidate need not indicate three symbols in order of preference in his nomination paper but must indicate the symbol reserved for the party which has set him up as a candidate.
- 2.2 The candidate other than these shall choose three symbols in order of preference from out of the list of free symbols specified for the State/Union Territory by the Election Commission and indicate such preference in the nomination paper.

### **CHOICE OF SYMBOLS IN NOMINATION PAPER FIRST FILED BY A CANDIDATE TO BE CONSIDERED**

- 3.1 You are to consider only the choice of symbols made by a candidate (other than a candidate set up by a National or State Party) in the nomination paper first delivered to you by him or on his behalf whether that nomination paper is accepted or rejected by you during scrutiny. No choice of symbols made by him in subsequent nomination paper is of any value.
- 3.2 In the case of candidates set up by National or State parties, the choice of party's symbol indicated by such candidate given in his subsequent nomination papers may be considered by you, if all other requirements mentioned in para 4.2(l) below are satisfied in his case.
- 3.3 You should also follow the clarifications given in para 10 of Chapter VI while allotting symbols to candidates deemed to have been set up by recognised National and State

Parties or registered unrecognised parties and as independent candidates in accordance with those clarifications.

## **ALLOTMENT OF SYMBOLS TO CANDIDATES**

- 4.1 According to law, in every contested election a symbol shall be allotted to each contesting candidate in accordance with the provisions of the Commission's Symbols Order reproduced in **Annexure XXIII**. Different symbols shall be allotted to different contesting candidates at an election in the same constituency.
- 4.2 From the Symbols Order, referred to above, you will find that:-
- (a) There are two categories of symbols, namely:
    - (i) reserved symbols and
    - (ii) free symbols.
  - (b) A "reserved symbol" means a symbol reserved for a recognised (National or State) party and a "free symbol" means a symbol other than a reserved symbol.
  - (c) A recognised party can be a National Party or State party.
  - (d) A National party at present means any one of the recognised parties specified in Table I of the Commission's Notification issued under para 17 of the Symbols Order. A State party means any one of the recognised parties specified in Table II of the Commission's Notification issued under that para of the Symbols Order. It shall be a recognised State party only in the State/Union Territory mentioned against its name in that Table. In other States/Union Territories, such party shall be a registered unrecognised party.
  - (e) A candidate set up by a National or State Party shall choose in his nomination paper and will be allotted by you only the reserved symbol of that party and no other symbol. This means that if he has been set up by a National or State Party, then, in his nomination paper, he can choose only the symbol reserved for that party and no other symbol. This also implies that from any constituency only one candidate can be set up by a National or State Party.
  - (f) A candidate set up by a National Party, from a constituency in any State shall choose and will be allotted only the symbol reserved for that National Party.
  - (g) A reserved symbol shall not be chosen by or allotted to any candidate in any constituency in any State other than to a candidate set up by a National party for whom such symbol has been reserved or a candidate set up by a State party for whom such symbol has been reserved in the State in which it is a State party, even if no candidate has been set up by such National or State Party in that constituency.
  - (h) The Commission, on an application made to it under para 10, may direct that a candidate set up by a State Party, may be allotted its reserved symbol in any other State.
  - (i) The Commission may on an application made to it under para 10A of Symbols Order allow a political party, which is unrecognised at present but was a recognised National or State party in any State or Union Territory not earlier than six years from the date of notification of the election, and which sets up a candidate at an election in a constituency in any State or Union Territory, whether

such party was earlier recognised in that State or Union Territory or not, the use of the symbol reserved earlier for that party when it was a recognized National or State party, notwithstanding that such symbol is not specified in the list of free symbols for such State or Union Territory for candidates set by that party to the exclusion of all other candidates in the constituency.

- (j) Candidates set up by a party recognized as a State party in another State or by a registered unrecognized party which was a recognized party not earlier than six years may be allotted the reserved symbol of the State party/ the symbol which was its reserved symbol when it was a recognised party IF AND ONLY IF the Commission has issued a specific direction under paragraph 10 or 10 A
- (k) Where elections are held simultaneously in a Parliamentary Constituency and in the Assembly Constituencies comprised in such Parliamentary Constituency, then
  - i. if a symbol has been exclusively allotted under paragraphs (h) or (i) to a candidate set up by a State Party in another state in which it is not recognized or by an unrecognized party which was a recognized party at any time during the last six years at the election in the Parliamentary Constituency, that symbol shall not be allotted to any candidate at any election in any of the Assembly Constituencies comprised therein unless such candidate is a candidate set up by that party; and
  - ii. if a symbol has been exclusively allotted under paragraphs(h) or (i) to a candidate set up by a State Party in another State in which it is not recognised or by a party which was a recognized party at any time during the last six years at any election in any of the Assembly Constituencies comprised in the Parliamentary Constituency that symbol shall not be allotted to any candidate at the election in the said Parliamentary Constituency unless such candidate is a candidate set up by that Party.
- (l) Candidate not set up by a National or State Party, can make a choice of symbols in their nomination papers only out of the list of free symbols and no other symbol.
- (m) Where any free symbol has been chosen by only one candidate at such election, you will allot that symbol to that candidate and to no one else.
- (n) Where the same free symbol has been chosen by several candidates at such election, then -
  - i. if of those several candidates only one is a candidate set up by a registered unrecognised political party, and all the rest are independent candidates, you will allot that free symbol to the candidate set up by the registered-unrecognized political party and to no one else, and if of those several candidates two or more are set up by different registered unrecognised political parties and the rest are independent candidates, you will decide by lot as to which of the two or more candidates set up by the different registered-unrecognised political parties that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else. Where, of two or more such candidates set up by different registered unrecognised political parties only one is or was immediately before such election, a sitting member of the House of People or the Legislative Assembly that free symbol shall be allotted to him irrespective of the fact whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member;

- ii. if of those several candidates no one is set up by any registered unrecognised political party but all are independent candidates and one of the independent candidates is or was immediately before such election, a sitting member of the House of the People or as the case may be, of the Legislative Assembly, and was allotted that free symbol at the previous election when he was chosen as such member, you will allot that free symbol to that candidate and to no one else; and
  - iii. if of those several candidates being all independent candidates no one is or was a sitting member as aforesaid, you will decide by lot as to which of those independent candidates that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else.
- (o) A candidate shall be deemed to be set up by a political party, whether recognised as National or State party or a registered unrecognised party, if, and only if,—
  - i. the candidate has made a declaration to that effect in any of his nomination papers;
  - ii. a notice in writing to that effect has, not later than 3 p.m. on the LAST DATE FOR MAKING NOMINATIONS, been delivered to you;
  - iii. the said notice is signed by the President, the Secretary or any other office bearer of the party and the President, Secretary or such other office bearer is authorized by the party to send such notice; and
  - iv. the name and specimen signature of such authorised person are communicated to the Returning Officer of the constituency and to the Chief Electoral Officer of the State not later than 3.00 p.m. on the last date for making nominations.
- (p) Specimen Signatures under clause (iv) of para (o) above of the office bearers of each political party, who are authorised to send the notice referred to in clause (ii) and (iii), should be furnished to you by the political party concerned in Form 'A' prescribed by the Commission for the purpose which is reproduced in **Annexure XXIII**, Part-II. PRINTED CYCLOSTYLED AND PHOTOCOPIES OF AFORESAID FORM 'A' MAY BE USED BY POLITICAL PARTIES BUT THESE MUST BEAR THE SIGNATURE IN INK OF THE AUTHORISED OFFICE BEARERS OF THE POLITICAL PARTY. FACSIMILE SIGNATURE SHALL NOT BE ACCEPTED. SIMILARLY, FAX COPIES OF SUCH FORMS ARE ALSO NOT ACCEPTABLE.
- (q) For the purposes of clauses (ii) and (iii) of paragraph (o) above, person(s) authorised by the party shall send to you individual notice (authorisation letter) in Form 'B' prescribed by the Commission for the purpose, which is reproduced in **Annexure XXIII** Part III. PRINTED, CYCLOSTYLED AND PHOTOCOPIES OF FORM 'B' MAY BE USED BY POLITICAL PARTIES; BUT THESE MUST BE SIGNED IN INK BY AUTHORISED OFFICE BEARER(S) OF THE POLITICAL PARTY CONCERNED. SIMILARLY, FAX COPIES OF SUCH FORMS ARE NOT ACCEPTABLE.
- [N.B.]** The notices in Form A and Form B must reach you not later than 3 p.m. on the LAST DATE FOR MAKING NOMINATIONS. The presentation of these Forms to the Chief Electoral Officer alone will not be treated as compliance with the provisions of para 13 of the Election Symbols (Reservation and Allotment) Order, 1968. It shall be the responsibility of the candidate or the political party concerned to ensure that the documents reach the Returning Officer in time. However, the



submission of these Forms to you within the prescribed time will be considered as substantial compliance of the legal requirements, even if the same have not reached the Chief Electoral Officer.]

- (r) A substitute candidate of political party will step in only in the event of nomination of main candidate being rejected on scrutiny, or on the withdrawal of the candidature by the main candidate (and if the nomination of the substitute candidate was otherwise valid and he is still in the field). If the nomination papers filed by both the main and substitute candidates of a recognised National/State party are accepted and found to be valid on scrutiny, the nomination of the substitute candidate shall be rejected, unless his nomination paper is subscribed by ten proposers and if such substitute candidate does not withdraw his candidature, he will be treated as an independent candidate
- (s) Political parties are, permitted to cancel the authorisation in Form B given in favour of one candidate and give a revised notice in Form B, in favour of another candidate subject to following conditions namely:-
  - i. such revised notice in Form B cancelling or substituting the authorisation in earlier notice should clearly state that the earlier notice in favour of a candidate is rescinded and this revised notice should be received by the Returning Officer of the constituency concerned not later than 3.00 P.M. on the last date for making nominations;
  - ii. such revised notice in Form B is signed by the authorised office-bearer referred to in clause(d) of paragraph 13 of Symbols Order (see also sub-para (o) (iii) above);
  - iii. the Returning Officer is satisfied about the genuineness of the revised notice; and
  - iv. the candidate in whose favour the revised notice has been given has already made a declaration in his nomination paper that he has been set up by the said political party.
- (t) If a political party submits notice in Form B in respect of more than one candidate for the same constituency and the party does not state in such notices that the earlier notice(s) has/have been rescinded, then the notice in respect of the candidate whose nomination paper was first submitted to you shall be accepted and the remaining candidate(s) shall not be treated as candidate(s) set up by that party.
- (tt) If a candidate claims in his nomination papers to be set up by two or more political parties and both/all such parties have submitted Forms A and B in his favour, the Returning Officer will, at the time of scrutiny, examine the facts as to which of the political parties the candidate belongs to as its member and whether the candidate has ceased to be a member of the other political party/parties mentioned in his nomination papers, and decide the party affiliation of the candidate accordingly
- (u) The Symbols Order does not recognise electoral alliances which are often entered into by political parties. Therefore, a registered or recognised political party, should not be allotted by you any reserved symbol of another recognised political party even with the consent of such latter party with whom it has entered into an electoral alliance for the purpose of contesting an election. You should be strictly guided by the provisions of paragraph 13 and 13A of the Symbols Order in all cases of allotment of symbols, to candidates set up by political parties. These

provisions have been brought to the notice of all Recognised National and State parties as well as registered parties.

- (v) Where a candidate had not made a declaration in any of his nomination papers that he has been set up by a particular Political Party, he shall not be deemed to have been set up by that party even if that party gives you intimation to that effect in Forms A and B, and he shall not be allotted the symbol reserved, if any, for that party.
- (w) Similarly, if a candidate has made a declaration in his nomination paper that he has been set up by a particular political party but that party sets up some other candidate, he shall not be deemed to have been set up by another political party even if such latter party wishes to adopt him, unless that candidate has filed within the prescribed time another nomination paper in which he has made a declaration to have been set up by the latter party.
- (x) An explanatory note for allotment of symbols to candidates is given in **Annexure XXIII Part IV** for your guidance. For any doubt or reference please refer to the Symbols Order. You should refer to the latest list of political parties and election symbols issued by the Commission. You should obtain the list from Chief Electoral Officer well before the date of notification of election.

#### **INCORRECT ALLOTMENT OF SYMBOLS**

- 5. The allotment of a symbol made by you to a candidate shall be final except where it is inconsistent with any direction issued by the Election Commission in this behalf in which case the Commission may revise the allotment in such manner as it thinks fit. You should, therefore, ensure that no mistake occurs in allotting symbols. You may also refer to **Annexure XXIII-Part IV** for further guidance in the matter especially in regard to procedure to be followed while dealing with registered unrecognised parties.

#### **REVISION OF SYMBOLS**

- 6. Where the allotment of any symbol has been revised by the Commission, you should revise the list of contesting candidates accordingly by amending such list suitably in respect of candidates in whose cases the Commission has decided to revise the symbols already allotted by you. If the earlier list has already been published such revised list should again be published and copies furnished to each contesting candidates.

#### **SUPPLY OF COPY OF ELECTORAL ROLL**

- 7.1 Under Rule 85D, the Commission has directed that the Returning Officer shall supply one copy of the electoral roll, free of cost, to the candidate of every recognised political party at a general election to the Lok Sabha or Legislative Assembly. Such copy should be supplied within 3 days after the last date of withdrawal of candidatures. It should be noted that the list of Classified Service Voters for the constituency is also required to be given along with the copy of the electoral roll.
- 7.2 *The copy of the electoral roll is to be given free of cost only to the candidates set up by the recognised National and State Parties. The candidate of a party which is recognised in some other State is not entitled to get a free copy of the electoral roll though he might have been given concession by the Commission under para 10 of the Symbols Order to use his party's reserved symbol at the election. Similarly; a candidate set up by an unrecognized party who has been permitted to use the party's earlier reserved symbol under para 10A of the Symbols Order will also not get free copy of the electoral roll.*

## **CHAPTER-IX UNCONTESTED ELECTION**

### **UNOPPOSED RETURNS**

1. If in any constituency there is only one contesting candidate, declare that candidate to have been duly elected immediately after the last hour for withdrawal of candidature. In that event, a poll is not necessary.

### **FORM OF DECLARATION**

2. You shall declare the result of election under sub-section (2) of section 53 in Form 21 or Form 21-B as may be appropriate.

### **RETURN OF ELECTION**

3. After making the declaration under paragraph 2, complete the return of election in Form 21-E after suitable adoption and deletions, as necessary. Mention that the election was uncontested.

### **REPORT OF RESULT OF UNCONTESTED ELECTION**

- 4.1 Report the result of such uncontested election by sending a copy of your declaration to—
  - (i) the Election Commission of India;
  - (i) the Government of India in the Ministry of Law & Justice (if the election is to the House of the People) or the State Government (if the election is to the State Legislative Assembly);
  - (ii) the Secretary General to the Lok Sabha or Secretary to the State Legislative Assembly, as the case may be; and
  - (iii) the Chief Electoral Officer of the State / Union Territory.

[**N.B.** It is only after this report is received from you that the appropriate authority will be able to publish the declaration in the Official Gazette as laid down in Section 67. In a bye-election, any delay on your part in forwarding the report to the Secretariat of Lok Sabha or State Legislature, as the case may be, may also entail delay in the concerned Secretariat taking further action to admit the elected member into the House and administer (When the House is in Session) oath for that purpose.]

- 4.2 The date to be given in the declaration should be the date on which the result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

### **CERTIFICATE OF ELECTION**

- 5.1 As soon as may be after a candidate has been declared elected, you should grant to such candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by you personally before dispatch. The acknowledgment form is given in Chapter XV. Immediately thereafter, send

the acknowledgment by registered post to the Secretary General to the House of the People, or as the case may be, to the Secretary to the Legislative Assembly. This is very important as otherwise elected candidate will not be able to take his seat in the House.

- 5.2 This acknowledgment is required by the authorities concerned for verifying the identity of the elected candidate at the time of the making and subscribing the oath or affirmation by him as member of the House concerned.
- 5.3 If the elected candidate is not present at the time of declaration of result and also does not visit the locality shortly thereafter, the certificate should be handed over to a person duly authorized by him in this behalf and personally known to you. The acknowledgment (duly signed by the candidate) must also be obtained through the same person.

## **CHAPTER-X**

### **BALLOT PAPERS AND VOTING MACHINES**

#### **INTRODUCTORY**

- 1.1 With the withdrawal of candidatures and the preparation of the list of contesting candidates, the first stage of election process comes to an end. Then begins the second stage of preparation for the conduct of elections. This stage is very crucial. You will find the work very taxing. Great care and planning for adherence to the time schedule are essential.
- 1.2 The minimum interval between the last date for withdrawal of candidatures and the first day of poll has been reduced to 13 clear days. During this short period, all arrangements for poll have to be finalised and made. You have to get the postal ballot papers printed and dispatched to 'service voters', get the ballot papers which will be used on voting machines and as tendered ballot papers, printed, get the required number of voting machines tested and prepared. (Details about the preparation of voting machine for taking the poll are explained in Chapter XII).

#### **A. POSTAL BALLOT PAPERS**

##### **PRIORITY TO POSTAL BALLOT PAPERS**

2. As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidature is over, your first job will be to get postal ballot paper for 'service voters' printed and dispatched to those voters. Therefore, the printing of postal ballot papers for 'service voters' must be completed within 24 hours after the last hour for withdrawal of candidatures and the dispatch of these papers to them must be completed within the next 24 hours.

##### **VOTERS ENTITLED TO POSTAL BALLOT**

- 3.1 As Returning Officer for an Assembly Constituency and Assistant Returning Officer for a Parliamentary Constituency, you will have to send postal ballot papers to those of the voters at each of the two elections who are entitled to vote by post. These are—
  - (a) Service voters, other than those who opt for proxy voting (see para 16 below);
  - (b) special voters;
  - (c) the wives of persons referred to in clauses (a) and (b) above;
  - (d) electors subjected to preventive –detention;
  - (e) voters on election duty; and
  - (f) Notified voters;
- 3.2 "Service Voter" means any person mentioned in clause (a) of Section 60 of the Representation of the People Act, 1951 i.e. (a) members of the armed forces of the Union, (b) members of a force to which the provisions of Army Act, 1950 (46 of 1950) have been made applicable whether with or without modifications (c) members of an armed police force of a State who are serving outside that State, and (d) persons who are employed under the Government of India in a post outside India (e.g. Ambassadors of India abroad, their staff etc.) Their names are registered in the last part of the electoral roll.

- 3.3 “Special Voter” means any person holding an office declared by the president to be an office to which the provisions of sub-section(4) of Section 20 of the Representation of the People Act, 1950 are declared to apply and the wife of such person, if she has been registered as an elector by virtue of a statement made under sub-section(5) of the said section.
- 3.4 “Elector subjected to Preventive Detention” means any person subjected to preventive detention under any law for the time being in force.
- 3.5 “A voter on election duty” means a Polling Agent, a Polling Officer, Presiding Officer or other public servant who is an elector in the constituency and is by reason of his being on election duty, unable to vote at the polling station where he is entitled to vote. Thus, the observers appointed by the commission and the staff members accompanying them are also voters on election duty.
- 3.6 “Notified voter” means a voter who belongs to the class of persons notified by the Election Commission under clause (c) of Section 60 of the Representation of the People Act, 1951. For enabling notified voters to vote by post, special instructions will be given by the Commission in each such case and the same are not included in this Handbook.
- 3.7 Domestic servants accompanying Diplomatic Officers from India are not entitled to the concession of voting by postal ballot. So also, sons and daughters of Government of India employees residing with their parents are not entitled to the above concession. Even the husband of a female service voter is not entitled for this facility under the law.
- 3.8 The facility of voting by postal ballot may be extended to the drivers, helpers, cleaners, etc, actually employed on vehicles requisitioned for election purposes by treating them as voters on election duty.
- 3.9 Under sub-section(6) of Section 20 of the Representation of the People Act, 1950, the word “wife” means wife and should not be taken to include the husband of a lady holding an office referred to in sub-section(4) of the said section.
- 3.10 It may be noted that postal ballot papers for all categories of voters are uniform now.

#### **POSTAL BALLOT PAPERS – FORM AND LANGUAGE**

- 4.1 In pursuance of sub-rule(1) of rule 22 of the Conduct of Elections Rules, 1961, the Election Commission has directed that the postal ballot papers for service voters at an election to the House of the People or to the Legislative Assembly of a State shall be prepared as indicated below:-
- (i) Every postal ballot paper shall have a counterfoil attached to it. The counterfoil shall be at the top of the ballot paper and its depth shall not ordinarily exceed 15 ems. (6 ems. are equal to 1 inch approximately). The particulars on the counterfoil shall be printed in English only and it shall contain the following:-
- (a) space for stitching at the top of the counterfoil;
  - (b) a black border of 1 em at the top of the counterfoil;
  - (c) the particulars of the election, as mentioned in sub-para (iv) printed immediately below item(b) above;

- (d) the words "Electoral Roll Part No. and Serial No. of Elector," which shall be printed one below the other on the left hand side or right hand side as may be convenient;
  - (e) Serial number of the ballot paper on the left hand side either on the front or on the back as may be convenient.
  - (f) One block of lines of 1 em with a perforated rule/disjointed straight lines below, separating the ballot paper from the counterfoil.
- (ii) There shall be one block of lines of 1em below the perforated rule/disjointed lines on the ballot paper.
  - (iii) The width of the postal ballot paper and its counterfoil shall be between 3" and 4" as may be considered convenient by the Chief Electoral Officer for printing the ballot papers. The width of the space allotted to each candidate will uniformly be 1". Where the number of contesting candidates exceeds 9, the postal ballot paper shall be printed differently. The ballot paper in such a case, shall be printed in two or more columns depending upon the number of candidates. Ordinarily, the number of candidates in one column should not exceed nine, but it should not exceed fifteen in any case. If the number of columns is two, three or more, the width of the ballot paper and its counter-foil shall be dependent on the number of columns, which are provided on the ballot paper. Each column shall be separated from the other by a shaded area of half an inch width from top to bottom. The names of the contesting candidates and their party affiliation, if any, will appear in the same order in which they appear in the list of contesting candidate in Form 7A (but without the headings of the three categories of candidates mentioned therein) These names will be printed below the other in those columns, starting with the name of the candidate at S. No. 1 in the list of contesting candidates appearing at S.No. 1 in the first column, candidate at S.No. 10 in the list of contesting candidates as the first candidate in the second column (if each column has nine names), and so on. If the number of contesting candidates is not exactly divisible by the number of candidate in each column, the end panels on the right side of the ballot paper which do not contain the name of any candidate will be completely shaded.
  - (iv) On the top of the front face of the ballot papers the particulars of the constituency and the election shall be printed. The particulars of the constituency will contain the serial number and the name of the Parliamentary or Assembly Constituency, as the case may be, as given in the delimitation of the Parliamentary and Assembly Constituencies Order. In the case of State/Union Territories the whole of which form a Parliamentary Constituency, their names will not find mention in the Delimitation Order. The name of each State/Union Territory shall be mentioned as the name of the Parliamentary Constituency. The year of election and the legend "Genl." or "Bye" will also be printed after the year depending on whether the ballot paper is intended for a general election or a by-election. The word "Postal Ballot Paper" shall be endorsed below that entry. The following illustrations will make the position clear:
- a) For General Election to the House of the People Postal Ballot Paper (on white paper)
 

"8-Rampur H.P./2004 Genl.  
Postal Ballot Paper"
  - b) For Bye-election to the House of the People Postal Ballot Paper (on white paper)
 

"8 – Rampur H.P. /2005 Bye  
Postal Ballot Paper"

- c) For General Election to the Legislative Assembly Postal Ballot Paper (on pink paper)

“11–Almora L.A./2004 Genl.  
Postal Ballot Paper”

- d) For Bye-election to the Legislative Assembly Postal Ballot Paper (on pink paper)

11–Almora L.A./2005 Bye  
Postal Ballot Paper”

- (v) The name of each candidate and his party affiliation, if any, shall be inscribed in a panel, the panels being separated from each other by shaded area of 3 ems width. There will be a thick black border of 1 em at the bottom.
- (vi) The names of contesting candidates and their party affiliation, if any, on the ballot papers shall be printed, typewritten or multigraphed in the official language of the State or the Union Territory concerned and also in English where English is not such official language of that State or, as the case may be, the Union Territory. The particulars in the official language shall appear first over those in English in the ballot papers where such particulars are printed, typewritten or multigraphed into the languages as aforesaid. The name of the constituency shall be printed in English only. The particulars on the counterfoil of the ballot paper shall be printed in English only.
- (vii) The serial number of the ballot paper shall be printed on the left hand side either on the front or on the back as may be convenient.
- (viii) There is no objection to the postal ballot papers being typewritten if the number required is too small for printing; but the serial numbers of such ballot papers should however, be given by means of hand-numbering machines.
- (ix) The postal ballot papers will be stitched into convenient bundles, with consecutive serial numbers. It will be ensured that the serial number on each ballot paper and its counterfoil is identical.

[N.B. The Election Symbols (Reservation and Allotment) Order, 1968 has classified political parties into two broad categories viz. registered recognised political parties and registered-unrecognised political parties. A recognised party may be a National or a State Party. As party affiliation of National and State Parties are shown in postal ballot papers for service voters, it is necessary that the party affiliation of candidates set-up by registered-unrecognised parties should also be shown in such ballot papers though they may not be recognised. In case of independent candidates, including those set up by political parties not registered by the Commission the word ‘Independent’ should be printed in the postal ballot papers for service voters.]

4.2 A specimen of the postal ballot paper is contained in **Annexure XXIV**.

#### **COLOUR OF POSTAL BALLOT PAPERS**

4.3 The postal ballot papers shall be printed on paper of white colour in the case of parliamentary election, and of pink colour in the case of assembly election.

#### **PRINTING AND DISPATCH OF POSTAL BALLOT PAPERS TO SERVICE VOTERS**



- 5.1 You will be responsible for arranging the dispatch of postal ballot papers to (a) service voters other than classified service voters who have appointed proxy as well as (b) other voters eligible to vote by post. Usually, postal ballot papers for service voters are got printed by the DEO/RO locally. They are also permitted to cyclostyle or take photo copies of such postal ballot papers; where the number of such ballot papers is small. **Now that the design of the postal ballot papers for all categories of persons eligible to vote by post has been changed and made uniform for all such categories (upto 1998, design of the postal ballot paper for service voters was different from that used for other categories of electors entitled to vote by post), the required number of postal ballot papers will be usually high.** The Commission has no objection for the printing of the postal ballot papers in private printing presses, if arrangements for expeditious printing of these postal ballot papers is not possible in the Government presses. However, it must be ensured that fool proof security arrangements are made at such private printing presses and these ballot papers are printed under strict watch of a responsible officer, preferably, an Assistant Returning Officer.
- 5.2 You should prepare sufficiently in advance and, in any case, before the last date for the withdrawal of candidatures, addressed covers in Forms 13-B and 13-C, complete Form 13-D containing instructions for the guidance of voters and also keep ready the form of declaration by electors in Form 13-A in respect of each services voter. As stated in the beginning, the printing of the postal ballot papers with counterfoils should be completed within 24 hours after the last hour fixed for the withdrawal of candidatures and any delay in adhering to the schedule will make the entire process of using postal ballot papers by service voters nugatory depriving them of their valuable right of voting. As soon as the postal ballot papers with counterfoils are received by you, you should note down the electoral part number and serial numbers of the elector as entered in the marked copy of electoral roll on the counterfoil of the postal ballot paper and detach the ballot paper from the counterfoil. You should put the letter "PB" against the entry of the elector in the marked copy of the electoral roll to indicate that a postal ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to the elector. Simultaneously, the serial number of the ballot paper should be written on the front of the cover in Form 13-B and the ballot paper put inside that cover. Thereafter, the cover in Form 13-B containing the ballot paper, the declaration in Form 13-A, the instructions for the guidance of electors in Form 13-D and the cover in Form 13-C will be put inside a larger cover which will be addressed to the service voter concerned. It should be noted that postage stamp of the appropriate value should be affixed on the larger cover addressed to the service voter. Thereafter, all the cover addressed to the service voters attached to each Record Office will be put inside one packet and the packet dispatched to the Record Office under certificate of posting. The whole process of printing and dispatch should be completed within 48 hours of the last hour fixed for the withdrawal of candidature.
- 5.3 The postal ballot paper for the wife of a service voter should be sent in a separate cover and not in the cover addressed to her husband.
- 5.4.1 You should seal in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed. Similarly, the electoral roll part relating to service voters should also be sealed in a separate packet and a brief description as about should be recorded on this packet also. Both these packets should be kept in your safe custody.
- 5.4.2 The time gap between the dispatch of ballot papers and their receiving back being short, only a small fraction of the postal ballot papers issued to the service voters reach the Returning Officer before the start of counting. In order to ensure that all the postal ballot papers are dispatched to the service voters on a single day, the Commission has decided that instead of individual Returning Officers it would be the responsibility of the District

Election Officer to get the postal ballot papers of all the ROs under his jurisdiction dispatched from the District Head Quarters. There is also a need to streamline the procedure for distribution and collection of postal ballot papers for the large number of polling and security personnel as they are, as a matter of policy, posted for election duty outside their own constituencies. Keeping these things in mind, a new methodology has been prescribed which is as under:-

## **NEW METHODOLOGY FOR ISSUE OF POSTAL BALLOT PAPERS TO SERVICE ELECTORS, POLLING/SECURITY PERSONNEL, DRIVERS AND CLEANERS**

### **SERVICE VOTERS**

5.5 As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidature is over, postal ballot papers will be printed at the level of D.E.Os under proper security cover and under direct supervision of a responsible officer. As soon as the postal ballot papers are ready, the postal ballot papers for the service electors will be centrally dispatched from the District Head Quarters itself. For this purpose each Returning Officer shall depute a team of officers including an ARO with details of Service Electors along with envelopes already prepared for this purpose on the basis of the last part of the electoral roll.

5.6 The District Electoral Officer will appoint a suitable officer as the nodal officer to supervise the entire process of dispatching postal ballots to service electors. The DEO will co-ordinate with the senior officials of the Postal Department and shall ensure that a team of postal department officials receive covers containing the postal ballot papers and in turn will ensure the ballots are sent to the right address without any delay. The details of postal ballots sent AC wise shall be maintained in the form of a register giving the details and the signature of the postal authorities shall be obtained in the register.

5.7 One of the observers available in the district head quarters shall personally monitor the entire process of dispatch and send a detailed report to the Commission as soon as the dispatch of postal ballots meant for service voters. The process indicated above shall be video graphed. When the Returning Officers start receiving the polled ballot papers from the service voters, he shall give a daily report to the observer concerned indicating the number of such polled ballots received during the day and also indicating the cumulative figure. When the observers leave the constituency after the poll is over they shall indicate the number of postal ballots received till the date of departure in their report to the Commission.

### **POLLING OFFICIALS**

5.8.1 The ROs shall follow the following procedures for receiving of applications, issue of postal ballot papers and receiving back the polled postal ballot papers from government officials other than police and security personnel appointed on polling duty.

#### **Polling officials –**

5.8.1. The data base on the government staff to be used as polling personnel shall contain the AC No and Name, Part No and Serial No details of each staff where he or she is registered as an elector. This information can be collected through the sponsoring authorities of such staff or through any other method convenient to the DEO. Enough scope shall be provided to the government staff/ sponsoring authorities to locate such electoral registration details through various measures such as helpline, availability of electoral roll data in pdf format in various government offices etc., The letter of appointment sent to the polling personnel asking them to attend the training shall contain AC/Part/Serial No detail of each staff.

5.8.2. All the polling officials shall, without exception, be provided Form 12 for applying for postal ballot paper along with their appointment letter. They should be asked to submit duly filled Form 12 on the first day of training. Adequate number of Form 12 shall also be kept at the

training venue so that any polling personnel who are in need of Form 12 can access it. It should be clarified to the appointed polling officials that in view of the fact that the postal ballot paper will be issued to them personally at the training venue itself they need not mention any address in Form 12 for sending the ballot papers for that would be infructuous. At the training center there will be a separate arrangement to receive the Form 12 from the persons drafted for polling duty. At the time of submitting Form 12 the person concerned along with his appointment letter shall also produce the EPIC issued to him or a copy of any ID including service ID if any issued to him. The applications (Form 12) received from the polling officials shall be processed immediately by the concerned Returning Officer/Assistant Returning Officer before the second round of training. Hence, it is imperative that the second round of training is held after the postal ballot papers are printed and ready for issue.

5.8.3 On the day of second round of training there shall be separate and proper arrangements for issuing the postal ballot to the persons concerned. As the trainees on election duty may belong to different ACs it becomes imperative that all R.Os/A.R.Os along with their staff will remain present at the training venue for the above purpose. The cover containing the postal ballot paper should be handed over to the respective polling officials only after verifying their identification through EPIC or any other photo ID as well as appointment order. Simultaneous entry (PB) shall be made using red ink in the marked copy of the electoral roll which shall be used in the polling station by the presiding officer on the poll day. The record of issuance of PBs should be separately maintained in Format XXIVB of Hand Book for Returning Officer with one more column indicating place of posting (in which Assembly Constituency the person is serving). Concerned RO/ARO should sign the above Register. Once a PB is issued to a polling personnel called for training he shall after that cast his vote only through postal ballot even if he is exempted from election duty subsequently or kept on reserve.

5.8.4 Considering the postal delays and inconvenience caused to the electors in dispatching the PB, the Commission has decided to encourage the system in which the voters on receiving the PB from R.O/A.R.O record their preference on the PB paper then and there. Necessary arrangements for attestation of Form 13 A and collection of polled postal ballots shall be made in the form of a 'postal ballot facilitation center.' The polling officials should be advised to cast their vote on postal ballot paper and polled ballot paper should be dropped personally in a sealed box to be kept there for the purpose under direct supervision of the concerned Returning Officer / Assistant Returning Officer. ECI observers will be present and supervise the entire process. The D.E.O / SP / SDM shall personally inspect the training venue cum postal ballot facilitation center in advance in order to ensure adequate security measures are in place. As the electors will be casting their vote at the training venue proper arrangements shall be ensured to restrict entry to the venue only to the appointed polling staff and other authorized government servants and no other person. When the voters mark the ballot with their preference the secrecy of ballot shall be enforced without compromise. The entire process including the arrangements made for this purpose shall be recorded in video.

5.8.5 If the authorized representatives of contesting candidates remain present at the facilitation center proper seating arrangement shall be made for them. The presence of such representatives shall be registered by obtaining their signature in a register.

5.8.6 The above system of issuing PB and enabling the polling personnel to mark their preference at the facilitation center shall be equally applicable to other civil staff to be engaged in election duty on the poll day as micro observers, sector or zonal officers, liaison officers of observers and so on.

#### **Security persons**

5.8.7 It is relevant to note that the police personnel who will be engaged in election related duties on the day of poll shall only be eligible for obtaining PB. Hence, it becomes imperative to obtain the list of such police personnel well in advance. District wise nodal officers shall be identified by the SPs for preparing data on such police personnel. The data shall

indicate the names of each such police personnel, service ID no, details of AC No, Part No, serial no etc. Similar nodal officers shall be identified for State Armed Police Forces, Battalion HQ wise.

5.8.8 While preparing such list care shall be taken to ensure that names of police personnel who are not connected with the election related duties and names of such persons who will be in a position to exercise their voting right by going to their respective polling stations as a general voter are not included in the list. SPs shall take proper care about this aspect and the list of such persons shall be ultimately submitted by the SP to the DEO concerned and on being accepted by the DEO that list will become an approved list of police personnel on election duty.

5.8.9 As the police personnel are posted in various locations and bringing all of them to one or two locations in the district on the same day will not be feasible it has been decided to enable the police personnel to exercise their voting right by issuing their PB using postal services and receive back the same by Post or through drop box kept in the office of R.O For this purpose an efficient coordination shall be ensured between the election authorities and postal authorities. Unlike in the past, it has been decided to send the PB by **Registered Post** and the police personnel will also send their marked PB through registered post and the stamp will be paid by the addressee i.e the Returning Officer and necessary arrangement in this regard shall be worked out for the whole state by the CEO in coordination with the senior postal authorities. In order to cut down on the delay in this process, identification of police personnel who would be on election related duty and who will not be able to go to their polling station and their AC No/ Part No/ Serial No details, making Form 12 available to them easily; receipt of duly filled in Form 12 from them etc shall be efficiently ensured in advance through a network of nodal officer arrangements. The initial task of the nodal officer is to arrange to disburse blank applications in Form 12 for issue of postal ballot papers to the security personnel to be deployed on election duty. Along with Form 12 a guideline for filling up the said Form shall also be given to the relevant electors. The electors shall be informed that while filling up the Form 12, in the space provided for indicating the address for the dispatch of they should invariably mention only the full postal address of their present place of posting. In addition to this they should also mention the address where they are registered as an elector in the vacant space available in the Form. The elector shall mention the serial no and part no as well as the name of the constituency where he is registered as an elector. In case he is not in a position to mention the serial no Part no etc he shall mention the complete address where he is registered as stated above so that attempt will be made to locate his name and fill up the details. The said Nodal Officers shall also arrange to collect duly filled Form 12 from the security personnel without any delay.

5.8.10 All the applications received in Form 12 shall be sorted out district wise as there is possibility of a polling personnel having been registered in a district to be posted in another district. Hence, these Form 12 applications shall be sorted AC wise/ district wise. The 12 A applications pertaining to the ACs within the same district shall be dealt with at the district HQrs itself without physically sending the same to the R.O's HQrs located outside the district HQrs. For this purpose an authorized A.R.O of each AC shall come to the district HQrs and dispatch the PB to the respective voter (police personnel) on election duty by Registered Post with A.D while simultaneously marking 'PB' in red ink in the marked copy of the relevant Part and maintaining a register indicating such names with serial number, Part wise. Postal authorities may be clearly instructed that the PB sent by Registered Post shall not be handed over only to the person concerned and under no circumstances to any other person.

5.8.11 While dealing with the 12A applications pertaining to the home district in the above manner the nodal officer shall without any delay make a district wise parcel containing AC wise envelopes having 12 A applications and send the parcel to the other districts through special messengers. The special messenger shall meet the nodal officer of the relevant district and obtain acknowledgement in token of such receipt. On receiving such envelopes from various

districts the nodal officer shall take the follow up action in the same manner in which he dealt with the 12A applications received from within the district as mentioned earlier.

5.8.12 The elector on receiving the PB may mark his preference and send the same to the Returning Officer by Registered Post or he may put the marked PB in the 'drop-box' kept in the office of the Returning Officer. The voter while recording his vote has to follow the instructions contained in Form 13D.

#### **Drivers, Cleaners and Helpers**

5.8.13 The system of receiving applications for the issue of postal ballot papers to the voters on election duty (other than the polling personnel or security personnel) like drivers, cleaners and helpers, who will be performing duties in connection with the election, needs to be streamlined and closely tracked. There has to be a time limit up to which the dully filled in Form 12 can be received from such voters. For this purpose the D.E.O shall make an advance plan to assess the requirements for vehicles to be requisitioned. At the time of requisitioning the vehicles all relevant details about the drivers and cleaners shall be collected in a proforma to be approved for this purpose by the C.E.O and to be followed uniformly through out the state. The Returning officer shall prepare a document indicating the details of such persons and give a copy to the observer. The C.E.O shall fix up a time table for appointment of such drivers and cleaners and fix up a clear deadline up to which the applications for PB can be received. It shall be made clear to such voters that the address to be mentioned in Form 12 for dispatch of postal ballot shall be the address at which he is registered as an elector and not any other address. The postal ballot paper will be issued to them by the R.O only by the registered post with A/D. In case, any such voter instead of opting to receive his PB by post and chooses to collect the PB personally he may do so within the deadline to be specified by R.O (CEO shall ensure uniformity in this matter throughout the state). After that he may follow the procedure contained in Form 13D and exercise his voting right within stipulated time.

5.8.14 For the benefit of such voters who may belong to any of the category of voters to whom PB has been issued each R.O shall have a special box with secured lock duly sealed so that any such voters can come and drop their marked PB in the sealed cover (provided to each voter along with PB). Necessary arrangements for attestation of Form 13A of such persons who wish to record their votes after collecting their PB personally shall be made.

5.8.15 Apart from marking 'PB' against the name of each and every elector in whose favor postal ballot had been issued in the relevant part of the electoral roll an additional information sheet (AIS) polling station wise shall be prepared indicating the serial number, name, relation name, age and sex. This part wise additional information sheet shall be signed by R.O or by an authorized ARO and a copy of such information sheet shall be handed over to the presiding officer of the relevant polling station at the time of dispatch. Apart from one ink -signed copy adequate number of photo copies of the AIS shall also be handed over to the presiding officer. On the poll day, before starting the mock poll in the presence of the polling agents, the presiding officers shall verify the marked copy of the electoral roll in comparison with the additional information sheet on 'PB' voters and confirm whether the entry 'PB' has been made against each and every name that is mentioned in the additional information sheet. **No elector whose name has been marked as 'PB' can be permitted to vote in person at the polling station under any circumstances.**

#### **DIFFICULTIES FACED BY SERVICE ELECTORS**

6.1 The Army Headquarters had, in the past, brought to the notice of the Commission the following difficulties experienced by the Record Offices in dealing with postal ballot paper;

- (a) Dispatch of one or more individual ballot papers without postage stamps in a packet addressed to the Record Offices, thus involving use of service labels and their accounting by the Record Officers;
- (b) Full address of Returning Officers not shown on cover in Form 13-C, thus resulting in difficulty in returning the cover to the sender;
- (c) Dispatch of ballot papers in respect of soldier's wives without furnishing the army number and name of husbands, resulting in their return to sender;
- (d) Incomplete/Omission of army numbers on the ballot papers, thus delaying their re-direction;
- (e) Use of poor quality envelopes, necessitating their repair before redirection;
- (f) Receipt of ballot papers without covers/directions for voters; and
- (g) The postal ballot paper for the wife of a service voter sent in the same cover with the postal ballot paper for the service voter.

6.2 Despite the instructions of the Commission to all concerned not to repeat those mistakes, the Ministry of Defence has recently brought to the notice of the Commission certain serious deficiencies in the processing of postal ballot papers due to which genuine service voters could not exercise the right of franchise during the General Elections 1991. These deficiencies are enumerated below:-

- (a) Personal Number and Name of the Service Officers were either not quoted or had been wrongly quoted on the Postal Ballot envelope, making it difficult to redirect such postal ballot papers to the concerned Service Voters within the available short span of time.
- (b) On some of the postal ballot papers belonging to the wives of Service Voters, the complete particulars of their husbands, i.e., personal number and name of the Officer, which are essential pre-requisites for redirecting, were not given.
- (c) Ballot Papers for Army Medical Corps/TA Officers/Naval/Air Hqrs Officers and JCOs/Ors whose records are not kept in Army Hqrs were also dispatched to Army Hqrs whereas those should have been addressed to their respective Record Officers for re-direction to the Service Voters which would have saved considerable time.
- (d) In some cases, the envelopes did not bear the stamp of the State and Constituency properly.
- (e) Some postal ballot envelopes were not properly printed which made it difficult to find out whether it was for Assembly or Parliamentary Elections.
- (f) In some cases, JC numbers were written instead of IC numbers.

6.3 IT SHOULD BE ENSURED THAT THE DEFECTS POINTED OUT ABOVE ARE NOT ALLOWED TO RECUR IN FUTURE ELECTIONS. ANY RECURRENCE OF SUCH LAPSES IN FUTURE WILL BE SERIOUSLY VIEWED BY THE COMMISSION.

6.4 The covers containing the postal ballot papers for Assembly and/or for Parliamentary elections in the case of members of Armed Forces and other eligible voters should

invariably contain the elector's rank and regimental number or other full particulars so that no difficulty is experienced by the Record Officers, etc. in transmitting the ballot papers to the electors concerned. This will enable Record Offices, etc. to send the cover straight to the elector at the unit or stations of posting where he is serving even if there is a change of address.

## **POSTAL BALLOTS FOR SIMULTANEOUS ELECTIONS**

7. The postal ballot papers in respect of Parliamentary Constituencies are to be returned to the Returning Officers of the constituency and not to the Assistant Returning Officers. With that end in view at a simultaneous election, all the Forms viz., Forms 13-A, 13-B, 13-C and 13-D must be sent in two sets, one pertaining to the Parliamentary and the other to the Assembly Constituency. Each of these sets can be put in the respective covers, viz, Form 13-C, with the address of Returning Officer concerned specified thereon. While sending out to the Record Office, etc. the larger envelopes, each containing the two separate sets of forms, can be put in a single outer cover.

## **ENVELOPES**

- 8.1 The covers in Forms 13-B and 13-C for an Assembly election may be printed in pink colour and for a Parliamentary election in green colour.
- 8.2 Full designation of Returning Officer should be printed or written on the covers in Form 13-C for example:—

“Deputy Commissioner  
Returning Officer for Patiala Parliamentary Constituency, Patiala, Punjab”.

## **METHOD OF DISPATCH**

- 9.1 As the postal ballot papers will be printed locally by the District Election Officer or ~~Returning Officer~~, the same must be dispatched within 48 hours after the last hour for the withdrawal of candidatures.
- 9.2 In the case of foreign service voters, the postal ballot papers will be sent by ordinary air mail and not in the diplomatic bags, unless specially authorised to be sent in diplomatic bags in any particular case. Ordinary postage stamps will be used for the purpose. The foreign service voter will return the postal ballot paper by diplomatic bag or by ordinary air mail service direct to you.
- 9.3 The cover containing postal ballot papers should be handed over to the local postal authorities under certificate of posting.

9.4 The post officer would according to the instructions issued by the Director General of Posts and Telegraphs forward these bags or packet, in the case of postal ballot papers for Defence Service voters to the Record office(s) concerned.

[N.B. Persons whose names have been included to the last part of the roll are not entitled to votes in person at any polling station. They can vote only by post or by proxy in certain cases.]

## **PRINTING AND DISPATCH OF POSTAL BALLOT PAPERS FOR OTHERS**

10. The printing of postal ballot papers which may be required for issue to special voters, electors under preventive detention and voters on election duty should also be done, if possible along with the postal ballot papers for 'Service Voters'. If it is, however, considered that the printing of postal ballot papers for 'Service Voters' which is required to be completed within 24

hours after the last hour fixed for the withdrawal of candidatures may get delayed if postal ballot papers for other categories of person eligible to vote by post is also simultaneously done, then the printing of postal ballot papers for the latter categories may be done in the second phase. This second phase of printing should also be completed within 72 hours after the last hour fixed for the withdrawal of candidatures.

#### **DISPATCH OF POSTAL BALLOT PAPERS FOR OTHER VOTERS**

- 11.1 You will have to send to each voter a form of declaration (Form 13-A), a smaller cover containing the postal ballot paper (Form 13-B), a larger cover addressed to yourself in Form 13-C (no postage to be affixed on this cover) and a copy of the printing instructions to voters in Form 13-D. Then those will be placed inside an outer cover and sent to each voter by ordinary post under certificate of posting. Before you send off these documents to any elector remember to fill up in ink correctly in Forms 13-A and 13-B the serial number of the connected postal ballot paper. This is very important as at the time of counting of votes you will have to compare these numbers on Forms 13-A and 13-B and see that they tally. If they do not tally in the case of any voter, the postal ballot paper will have to be rejected.
- 11.2 Also remember to fill up correctly hour and date in clause (e) and sub-clause (ii) of clause (f) in Para II of Form 13-D.
- 11.3 The statistics of men and women voters, who cast their votes by postal ballot paper, should be ascertained by noting the letter "W" on the inner envelope in Form 13-C, i.e., the envelope addressed to the Returning Officer, in the case of every women voter while sending the ballot paper to her.
- 11.4 The names of special voters and electors subjected to preventive detention will not be found in the last part of the electoral roll. If they are eligible to vote, their names would have been entered in one or the other parts of the electoral roll for the constituency.
- 11.5 The appropriate Government shall, within fifteen days of the calling of an election, ascertain and intimate to you the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.
- 11.6 An elector under preventive detention may himself also give the intimation of the above effect to you within fifteen days of calling the election.
- 11.7 A special voter who wishes to vote by post is required to intimate you at least ten days before the date of poll. If you receive any such intimation in respect of a special voter or an elector under preventive detention send to such elector a postal ballot paper.

#### **VOTERS ON ELECTION DUTY**

12.1 Applications from voters on election duty for permission to vote by postal ballot are required by law to be made in Form 12 at least seven days or such shorter period as you may allow before the day of poll or the first day of the poll in the constituency. This is to enable you to send the postal ballot papers in time and to make the necessary entries in the working copies of the electoral rolls for the respective polling stations. If you have appointed the officers and supplied them with the application forms in time, you need not relax this seven-day rule. A Presiding Officer, Polling Officer or policeman or other public servant may be appointed for duty at a polling station so late that though he is otherwise entitled to apply for a postal ballot paper, he cannot do so seven days before the first date fixed for the poll. You should, whenever



practicable, exercise your discretion in favour of such officer or public servant and allow him the facility of postal ballot when he applies for such facility.

- 12.2 A voter on election duty in the constituency in which he is registered as elector, will also have the option to vote in person at a polling station although the polling station is different from the one where he is entitled to vote, if he so desires. If he chooses to vote in person at the polling station where he is on duty on the polling day, he should send application(s) in Form 12-A to the Returning Officer concerned so as to reach you at least four days before the date of poll or such shorter period as you may allow. If you are satisfied that the applicant is such public servant and voter on election duty in the constituency, you will allow the request and issue an election duty certificate(s) in Form 12-B.
- 12.3 The above concession is admissible only for such public servants as are posted for election duty in the same constituency as the one in which they are registered as voters and not in other cases. A polling agent is not entitled to this facility.
- 12.4 The application in the case of election to the House of the People shall be made to the Assistant Returning Officer for the Parliamentary Constituency and separately for Assembly election to the Returning Officer of that constituency.
- 12.5 Under rule 20 of the Conduct of Elections rules, 1961, a Presiding Officer, Polling Officer or other public servant on election duty may in some cases be able to vote in person only for the Parliamentary election and may have to obtain a postal ballot paper for voting at the Assembly election. This will be the case whenever he is on election duty outside the Assembly Constituency but within his Parliamentary Constituency. In such cases, he should be advised to apply in Form 12 A for Election Duty Certificate for the Parliamentary election and in Form 12 for postal ballot paper for voting at the Assembly-election.

#### ALL PERSONS ON ELECTION DUTY TO APPLY FOR POSTAL BALLOT PAPER RATHER THAN EDC

12.6 UNDER THE PRESENT SYSTEM, DUTY TO POLLING PERSONS IS ASSIGNED BY THE METHOD OF RANDOM SELECTION AND NORMALLY THE PERSONS ARE ASSIGNED DUTY OUT SIDE THEIR CONSTITUENCIES, BUT WITHIN THE SAME DISTRICT. FURTHER, THE PERSONS ON POLLING DUTY COME TO KNOW ABOUT THE PLACE OF DUTY ONLY AT THE LAST MOMENT. THEREFORE, APPLICATIONS FOR "EDC" FROM THOSE WHO MAY BE PUT ON DUTY IN THEIR OWN CONSTITUENCIES CAN GET DELAYED CONSIDERABLY. HENCE TO ENABLE ALL PERSONS ON POLLING DUTY TO EXERCISE THEIR FRANCHISE, THEY ALL MAY BE ASKED TO APPLY FOR AND OBTAIN POSTAL BALLOT PAPERS FOR VOTING. UNDER THE LAW, THERE IS NO BAR TO VOTE BY POST, EVEN IF THE PERSON IS PUT ON DUTY IN THE SAME CONSTITUENCY WHERE HE IS REGISTERED AS AN ELECTOR.

#### EDUCATING THE PERSONS ON ELECTION DUTY ABOUT THEIR RIGHT TO VOTE AND METHOD

12.7 THE DISTRICT ELECTION OFFICER SENDS A COMMUNICATION TO THE GOVERNMENT DEPARTMENTS AND OTHER AUTHORITIES IN THE DISTRICT ASKING FOR LISTS OF PERSONS WORKING UNDER THEM FOR DRAFTING THEM FOR ELECTION DUTY. WHILE ASKING FOR SUCH LISTS OF PERSONS, THE DEO SHOULD ALSO INTIMATE DEPARTMENTS CONCERNED ABOUT THE RIGHT OF PERSONS DRAFTED FOR

ELECTION DUTY TO VOTE BY POST AND A COPY OF FORM-12 WHEREIN THE PERSONS HAVE TO APPLY FOR THIS POSTAL BALLOT PAPER FACILITY SHOULD ALSO BE SENT TO THE DEPARTMENTS CONCERNED AND THEY SHOULD BE ASKED TO CIRCULATE THE SAME AMONG THEIR EMPLOYEES.

- 12.8 After receiving the lists, the DEO sends letters of appointment (in duplicate) to the persons drafted for election duty. Along with this letter, a copy of Form-12 should also be sent to each person drafted on election duty so that he/she may apply for postal ballot paper to the Returning Officer of the constituency in which his name is registered as an elector. All such persons should also be supplied with a complete list of all ROs in the UT/district concerned and of the places where copies of electoral rolls are available for inspection by the persons drafted to verify their names in the electoral rolls of the constituencies concerned, to enable them to fill their required electoral roll particulars in Form 12.
- 12.9 During the first Training class-cum-polling rehearsal also, the polling personnel should be educated about the method of filling Form-12 to apply for Postal Ballot Paper, the place where they can obtain the Postal Ballot Paper and the method of voting and returning the marked Postal Ballot Papers. In case such first training class-cum-polling rehearsal has already been conducted in any constituency/district, the DEO/RO may impart such education at the subsequent training classes-cum- polling rehearsals, if any.
- 12.10 For the convenience of the personnel on election duty, copies of electoral rolls of all constituencies in the UT/district should be available at the place of rehearsal/training, so that persons on election duty may verify the particulars of their entries in rolls for applying for Postal Ballot Paper in Form 12. Also copies of Form-12 should again be made available for the use of person on election duty.
- 12.11 The persons on election duty should be allowed to submit the duly filled in Forms 12 at the Training center itself.

#### **PERSONS IN PREVENTIVE DETENTION**

13. The appropriate Governments should communicate to you within 15 days after the date of the notification of the election (a) the names of all such voters in your constituency as are being held by them in preventive detention and (b) the respective places where they are being so held. Even if the Government has failed to do so, an elector held in preventive detention may himself give you in writing a notice of his intention to vote by postal ballot. In either case, if you are satisfied (a) that his name has been entered in the electoral roll, and (b) that he is held in preventive detention, you will send him a postal ballot paper addressed to the place where he is being so held.

#### **RECORD OF POSTAL BALLOT PAPERS**

- 14.1 (a) In the office of the each R.O., there should be earmarked a responsible officer (preferably one of the AROs) who should be available with the copy of the electoral roll to help any person on election duty to come and verify his name in the electoral roll.
- (b) The same officer should also receive duly filled in Form-12 submitted by the persons on election duty.
- (c) So far as the delivery of the Postal Ballot Papers to persons on election duty is concerned, the ROs in each State have established certain procedures. While existing arrangements in this regard may continue to be followed, you should open a Register for the persons drafted for

election duty and who are electors in the constituency. The Register should have the following columns:

- i. Name of the Person drafted for election duty and who has applied for Postal Ballot Paper in Form-12
- ii. Name and Number of the Assembly Constituency in which the person is serving
- iii. Whether the person is registered in the electoral roll of the Constituency.(Yes or No)
- iv. If yes, Part No. and serial number of the person in the electoral roll of the constituency.
- v. Whether postal ballot paper has been issued to him and necessary entry made in the marked copy of the electoral roll against the name of the person (Date of issue and making such entry).
- vi. Whether the person collected the Postal Ballot Paper in person from the R.O's Office. (Yes or No)
- vii. If yes, the signature of the person with date.
- viii. If no, whether the R.O. has taken action to deliver the Postal Ballot Paper at the person's address (Date of delivery)
- ix. Remarks

(d) The Register should be prepared in the format given at **Annexure XXIV-B**.

(e) The DEO/RO should make every effort to issue the postal ballot paper to every elector on election duty who makes an application in Form 12 for the purpose, as expeditiously as possible after receipt of that application. However, as the marked copy of the electoral roll has to be prepared by the RO, quite in advance of the date of poll, for supply to the Presiding Officers of all polling station, the supply of postal ballot papers should be completed in all cases, at least three days before the date of poll.

(f) To facilitate speedy return of Postal Ballot Papers, each R.O. should have a special box with secure locks in his office, so that persons on election duty and others who have received Postal Ballot Papers may come and drop in that box their marked ballot papers in the sealed covers (provided to each elector along with the Postal Ballot Paper).

(g) Everyday, a designated officer should take out the contents of the box, make necessary entries in the Register maintained for the purpose, keep the Register and the sealed covers of Postal Ballot Papers under proper lock and key.

(h) If any elector on election duty opts to send the Postal Ballot Paper through normal prepaid postal service, there is no objection since the existing system allows this.

14.2 Before sending postal ballot paper to an elector in preventive detention or a voter on election duty, you should record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll and electoral part number. Put letter 'PB' against the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however, recording therein the serial number of the ballot paper issued to that elector. This is necessary to ensure that elector is not allowed to vote at the polling station. You should also seal in a separate packet the counterfoils of ballot papers issued to such electors entitled to vote by post and record on the packet a brief

description of its contents and the date on which it is sealed. Any elector who has been allowed to vote by post and to whom the postal ballot has been issued will not be allowed by the Presiding Officer to vote in person. He can only vote by post.

14.3 Presiding Officers, Polling Officers, polling assistants and other public servants on election duty who have applied to you for permission to vote in person in Form 12-A will be issued an Election Duty Certificate in Form 12-B. Before the issue of the certificate you should ensure that such persons are not allowed to vote at the polling stations where they would otherwise have been entitled to vote, by noting the word 'EDC' against the entries of their names in the marked copies of the electoral rolls pertaining to the particular polling stations. They need not be supplied with any other documents.

14.4 A separate register should be maintained to keep a record of issue of postal ballots to service voters, special voters, voters on election duty and voters on preventive detention. The names of electors to whom the postal ballots have been issued, and the category of the elector (i.e. service voter, special voter, voter on preventive detention, voters on election duty) should be entered in the register. When the postal ballots are received back, a record of the number of ballots received back should be entered in the register, indicating how many were received back in time and how many were received back after the prescribed time, in each category of electors.

## **POLLING AGENTS**

15.1 So far as the polling agents are concerned, many of them will, for the same reason as in the case of Polling Officers, require the facility of postal ballot if they are to vote. They are themselves required to apply on their own motion, ~~however~~, for ballot papers. You should satisfy yourself in respect of each polling agent who thus applied that (1) his name has been entered in the electoral roll (2) that he is physically unable to vote in person by reason of his appointment as a polling agent. If you are so satisfied, allow him to vote by post and send his postal ballot paper.

15.2 For this purpose you may lay down your own procedure for satisfying yourself about the genuineness of the claim for a postal ballot. For example you may insist upon the counter signature of the concerned candidate or his election agent on Form 12 or a certificate from the candidate or his election agent or you may get a duly certified list giving details of polling agents from the candidate or his election agent.

15.3 If the appointment of any polling agent has been revoked after the issue of ballot paper to him, he can vote by post only.

## **CLASSIFIED SERVICE VOTERS: PROXY VOTING**

16.1 As an additional facility, service voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act applies, have been provided the facility to opt to vote either through proxy or through postal ballot papers. Such service voters who opt to vote through proxy, have been categorized as "Classified Service Voters" (CSVs). The CSV is required to appoint a person who is resident of the area covered by the constituency concerned, as his proxy. The proxy should be of at least 18 years of age and shall not be disqualified for registration as an elector. The appointment is to be made in Form 13F, newly inserted (**Annexure XXV-A**). An appointment of a proxy once made will be valid for all future elections so long as the person making the appointment continues to be a service voter or till the appointment is revoked or the proxy dies. The CSV has the option to revoke the appointment and appoint a new proxy on the death of the earlier proxy or for other reasons. Such revocation of appointment is to be done in the newly inserted Form 13G (**Annexure XXV-B**).

16.2 On receipt of intimation of appointment of proxy by a CSV, you are required to mark the letters 'CSV' against the name of the service voter in the last part of the electoral roll to indicate

that the elector has appointed a proxy to cast vote on his behalf. For using the facility of proxy voting at the next earliest election, intimation of appointment of proxy should reach you by the last date for making nomination at that election. You are also required to maintain a separate list of CSVs and their proxies with their complete addresses in the form and manner specified by the Commission. The Form specified by the Commission in this behalf is given as **Annexure XXV-C**. After the last date for making nominations, you are to prepare polling stationwise sub-lists of all CSVs and their proxies. The format prescribed by the Commission for maintaining polling stationwise sub-list is enclosed as **Annexure XXV-D**. These sub-lists are to be added at the end of the part of the electoral roll pertaining to the polling station concerned and the part of the electoral roll alongwith the sub-list will be the marked copy of the electoral roll for that polling station.

16.3 The proxy will record the vote on behalf of the CSV at the polling station to which the CSV is assigned, in the same manner as any other elector assigned to that polling station. It may be noted that in the case of proxy, marking of the indelible ink under rule 37 will be done on the middle finger of the left hand of the proxy. The proxy will be entitled to vote on behalf of the CSV in addition to the vote that he may cast in his own name if he is a registered elector in the Constituency, at the polling station to which he has been normally assigned.

16.4 A CSV who has appointed a proxy will not be issued a postal ballot paper.

#### **SEALING MARKED COPY OF ELECTORAL ROLL**

17. After all the postal ballot papers for voters entitled to vote by post and Election Duty Certificates have been issued, seal the marked copy of the electoral roll including the sub-list of polling station-wise CSVs and proxies appointed and arrange to give it to the concerned Presiding Officer to be used as the marked copy of the electoral roll at the polling station. It is very important that this copy of the electoral roll on which the letters 'PB' and 'EDC' have been recorded should be used as the marked copy of the electoral roll at the polling station alongwith polling station-wise list of CSVs; otherwise such a voter may vote at the polling station in addition to voting by postal ballot or on the EDC. The counterfoils of the postal ballot papers issued to the electors should be sealed in a separate packet and kept in your safe custody.

#### **SUPPLY OF SECOND SET OF POSTAL BALLOT PAPERS, ETC. IN EXCHANGE FOR FIRST SET**

18. You may issue a second postal ballot paper to a voter (along with the other connected papers) only if the latter (a) returns to you the entire set of paper first issued to him, and (b) further satisfies you that through inadvertence he has spoilt the first set of papers so that they are incapable of being used. Cancel the returned papers, seal them in a packet and note the serial numbers of the postal ballot papers thus returned to you on the packet.

#### **POSTAL BALLOT PAPERS RETURNED IN TIME**

19.1 Keep in safe custody all the covers containing the postal ballot papers, which are received back by you in time. Postal ballot papers should be returned to you at the latest by the hour fixed for the commencement of counting of votes of the constituency.

19.2 For keeping correct account of the postal ballot papers received back in time and ensuring that no such ballot paper is lost or misplaced, the number of postal ballot papers received should be duly entered in the register maintained for the purpose. The entries in this register should be made from day to day and should be countersigned by you or Assistant Returning Officer at the end of each day.

#### **POSTAL BALLOT PAPER RETURNED LATE**

20. You should not decline to receive any cover containing postal ballot paper delivered after expiry of the hour fixed for its return. Postal ballot papers received by you in their covers too late (i.e. after the hour fixed for the commencement of the counting of votes of the constituencies or on any subsequent date) cannot be counted and must be rejected. Note the date and time of its receipt on each such cover received too late. These covers are not to be opened and should be kept together for future reference, if any. However, the number of each postal ballots received back late should be noted in the register. The ballot papers contained in those covers need not be included in the total number of rejected votes in the Return of Election in Form 21-E. The final result sheet (Form 20) also does not provide any space to show the number of postal ballot papers received after the prescribed hour and date and therefore not counted.

#### **ATTESTATION OF DECLARATION OF VOTER CASTING POSTAL BALLOT PAPERS**

21. Sub-rule (2) of rule 24 of the Conduct of Elections Rules, 1961, requires that the elector voting by post shall sign the declaration in Form 13-A in the presence of and have the signature attested by, a stipendiary magistrate or such other officer specified for the purpose. Under the rules, the Presiding Officer of a polling station can attest the declarations of the Polling Officers working with him. It is sometimes alleged that candidates and their supporters get the postal ballot papers from the voters without the vote having been recorded thereon and merely signing their declarations and get them attested later on by obliging attesting officers even in the absence of the electors in person, as required by law. To guard against such malpractices, if they really exist, the Commission has requested all State Governments and High Courts to suitably alert every stipendiary magistrate and to insist that the formal legal requirements regarding the identification of such elector and the attestation of his signature on the declaration in connection with his postal ballot paper must be strictly complied with whenever they have occasion to attest such signature. You may note that honorary magistrates are no longer competent under the law to attest any postal ballot paper. A member of the Parliament or the State Legislature will not be deemed to be a 'Gazetted Officer' for purposes of attestation of above declaration relating to postal ballot papers.

#### **DELIVERY OF POSTAL BALLOT PAPERS**

22.1 The Director-General of Posts and Telegraphs has been requested to instruct all postal authorities regarding the provision of law making it their legal duty to arrange for the prompt delivery of every cover containing postal ballot paper to the correct addressee so that the system of postal ballot may work satisfactorily. Under the rules, postal ballot paper can be returned to you as 'Service Unpaid' and you have to pay cash against each such delivery. Since it will be very difficult to pay cash every time the covers are delivered, it is suggested that you should open a deposit account at the nearest post office from which you will receive delivery of the covers so that the postal authorities can adjust the charges, against the deposit every time the covers are delivered. However, the question of postal ballot papers from foreign service voters being returned to you as 'Service Unpaid' does not arise as postage stamps would have been affixed by the office in which the voter is serving. However, if their postal ballot papers are returned through diplomatic bag, then it will come to you in cover superscribed 'Service Unpaid'. An account of such covers so received may be kept. The expenditure involved on account of certificate of posting for redirected postal ballot papers to service voters will be met from the grants of Ministry of Defence.

22.2 The Director-General of Post and Telegraphs will also inform all postal authorities regarding prompt delivery of postal ballot papers to you on the polling day irrespective of Sundays and post office holidays.

## **B DESIGN OF VOTING MACHINE**

23.1 Under Rule 49A of the Conduct of Elections Rules 1961, every voting machine shall have a control unit and ballot unit and shall be of such design as may be approved by the Election Commission.

23.2 The Commission has approved the designs of voting machines produced by Bharat Electronics, Ltd., Bangalore and Electronics Corporation of India, Ltd., Hyderabad. Description of these voting machines has been given in para 3 of Chapter I. As mentioned therein, the voting machines consists of two units, Control Unit and Ballot Unit. These two units are inter-connected when the voting machine is put in operation by means of a cable, one end of which is permanently attached to the ballot unit. A ballot unit caters upto 16 candidates. Four ballot units linked together catering upto 64 candidates can be used with one control unit.

### **OPERATIONAL DETAILS**

24.1 Complete details of operation of voting machines are contained in the Manuals of Electronic Voting Machines produced by the above mentioned two manufacturing companies. You should find out in advance as to whether the machines produced by Bharat Electronics or Electronics Corporation of India are going to be used in your constituency. You should study very carefully the manual relevant to the machines being used in your constituency so that you become fully conversant with the operation of the machines. You should also operate the machine yourself so as to be sure about all aspects of its operation.

### **BALLOT PAPERS OF BALLOT UNITS OF VOTING MACHINES**

25.1 On every ballot unit, a ballot paper shall be displayed in the space meant therefor. Under rule 49B of the above referred rules, the ballot paper on the ballot unit [referred to as label) in subrule (4) of that rule] shall contain such particulars and shall be in such language or languages as the Election Commission may specify.

25.2 The Commission has specified that the said ballot papers shall be in the following form and language(s) :-

- i. The total length of the ballot paper will be 460 mm and its width shall be 140 mm in the case of machines manufactured by Electronics Corporation of India, Limited (ECIL). For machines manufactured by Bharat Electronics Limited (BEL), the length of the ballot paper will be 461.5 mm and the width will be 140 mm.
- ii. At the top of the ballot paper, there shall be a space provided for indicating the particulars of the election and the name of the constituency, of the size 12.7 mm (length) x 140 mm (width) in the case of ECIL - manufactured machines, and of the size 7.5 mm x 140 mm in the case of BEL – manufactured machines.
- iii. In the space so provided, on the top left hand corner, the serial number of the ballot paper shall be printed. On the top right hand corner, the sheet number shall be printed if the ballot paper is printed on more than one sheet, where the number of contesting candidates exceeds sixteen. The particulars of the election shall also be printed in the said space. These particulars will contain the serial number and name of the Parliamentary or Assembly Constituency, as the case may be, the year of election and the nature of election and shall be printed in English alone. The following illustration will make the position clear:-

(a) for General Election to the House of the People :

‘1-New Delhi H.P. 2004- Genl.’;

(b) For Bye-Election to the House of the People;

‘1-New Delhi H.P. /2005-Bye’;

- (c) For General Election to the Legislative Assembly;  
'304-Etawah L.A./2004-Genl.;  
(d) For Bye Election to the Legislative Assembly;  
'304-Etawah L.A./2005-Bye'.

PROVIDED THAT WHERE THE NUMBER OF CONTESTING CANDIDATES IS LESS THAN SIXTEEN, THE ABOVE PARTICULARS MAY BE PRINTED EITHER AT THE TOP OR AT THE BOTTOM MOST PORTION (SPACE MEANT FOR THE CANDIDATE AT SERIAL NUMBER SIXTEEN), AS MAY BE CONSIDERED CONVENIENT FROM THE POINT OF VIEW OF PRINTING.

PROVIDED FURTHER THAT WHERE THE NUMBER OF CONTESTING CANDIDATES IS SIXTEEN OR MORE, THE ABOVE PARTICULARS MAY BE PRINTED IN A VERTICAL COLUMN, ON THE LEFT HAND SIDE OF THE BALLOT PAPER, WITH A THICK LINE DIVIDING THE SAID COLUMN AND THE PANELS CONTAINING THE SERIAL NUMBERS AND NAMES OF THE CONTESTING CANDIDATES.

- iv. Below the space provided at the top for printing the particulars of the election, there shall be a thick black line of 2.1 mm in the case of machines manufactured by ECIL and of 1.00 mm in the case of machines manufactured by BEL.
- v. Below this line, there shall be printed the serial number of each contesting candidate, his name and the symbol allotted to him, in a separate panel for each candidate.
- vi. The size of the panel for each contesting candidate shall be 25.4 mm (length) x 140 mm (width) in the case of ECIL – manufactured machines and 27.5 mm (length) x140 mm (width) in the case of BEL – manufactured machines.
- vii. The panels of the candidates shall be separated from each other by a thick black line of 2.1 mm in the case of ECIL – manufactured machines and 1.00 mm in the case of BEL – manufactured machines.
- viii. The names of the contesting candidates shall be arranged on the ballot paper in the same order in which their names appear in the list of contesting candidates.
- ix. The names of not more than sixteen candidates shall be arranged on one sheet of a ballot paper. If the number of contesting candidate is less than sixteen, the space below the panel for last contesting candidate shall be kept blank, except where the particulars of election, etc., are printed at the bottom under clause (iii) above.
- x. If the number of contesting candidates exceeds sixteen, the ballot paper shall be printed on two sheets of the above mentioned size and dimensions if the number of candidates is between seventeen and thirty two, on three sheets if the number of contesting candidates is between thirty three and forty eight, on four sheets if their number is between forty nine and sixty four.
- xi. In such cases where the ballot paper is printed on more than one sheet, the names of contesting candidates from S.No.17 to 32 shall be printed on the second sheet, from S.No.33 to 48 on the third sheet and from 49 onwards on the fourth sheet. If the number of candidates is less than thirty two the space below the panel for the last contesting candidate in the second sheet shall be kept blank. Similarly, for the third and fourth sheets of the ballot papers.
- xii. On each such sheet, in the space provided for indicating the particulars of the election, its number shall be indicated in bold words and letters, e.g., 'Sheet No.1', 'Sheet No.2', etc.



xiii. The names of the contesting candidates shall be printed in the same language or languages in which the list of contesting candidates has been prepared. The serial number of the candidate shall be indicated in the international form of Indian numerals.

xiv. Serial number and the name of the candidate shall be printed on the left hand side and his symbol on the right hand side in the panel meant for him.

xv. Unless otherwise directed by the Election Commission in any particular case, the ballot papers shall be printed for Parliamentary elections on white paper and for Assembly elections on pink paper. 25.3 Sample of Ballot Papers are given in **Annexure XXVI**.

### **PRECAUTIONS FOR PRINTING OF BALLOT PAPERS**

26.1 The ballot papers shall be printed in such a way that after fixing the ballot paper on the ballot unit in the space provided for the purpose, dividing line drawn below the space in which the particulars of election are printed and the dividing lines below the panel of each candidate shall be in complete alignment with the corresponding grooves or lines engraved on the ballot unit. Utmost care will, therefore, have to be taken while printing the ballot papers and to ensure that the ballot paper have been correctly printed, the ballot unit should be shown to the technicians of the printing press. They may be asked to take the exact measurements of the space meant for printing the particulars of election and the panels of candidates and the thickness of the dividing lines so that the ballot papers are printed in exact alignment.

26.2 It is not necessary to get the ballot papers which are to be fixed on the ballot units, stitched into bundles.

### **TENDERED BALLOT PAPERS**

27.1 Under Rule 49P of the Conduct of Elections Rules, 1961, if a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be supplied with a tendered ballot paper instead of being allowed to vote through the voting machine. That rule provides that the tendered ballot paper shall be of such design and the particulars of that ballot paper shall be in such language or languages as the Commission may specify.

27.2 The Commission has specified that the tendered ballot paper shall also be of the same design and shall be printed in the same language or languages as the ballot paper to be used for display on the ballot unit. In other words, the ballot papers to be used on the ballot unit and the tendered ballot papers shall be the same. However, the words 'Tendered Ballot Paper' shall be stamped on the back of each ballot paper to be used as tendered ballot paper.

### **ASSESSMENT OF REQUIREMENT OF BALLOT PAPERS**

28. The number of ballot papers to be printed depends upon the number of polling stations to set up, number of voting machines to be used including reserve machines and the number of ballot papers to be supplied to each polling station for use as tendered ballot papers. The total requirement of ballot paper to be printed thus have to be made on the following basis:-

(i) One ballot paper shall be required for display on each ballot unit. Therefore, the number of ballot papers required for this purpose will be equal to the number of voting machines to be used, including the reserve machines, in the constituency.

(ii) Each polling station may be supplied with twenty ballot papers to be used, if necessary, as tendered ballot papers. The total requirement of ballot papers to be supplied to the polling stations for use as tendered ballot papers shall accordingly be worked out depending upon the number of polling stations in the constituency.

(iii) In addition to the total requirement of ballot papers worked out in accordance with

paragraphs (i) and (ii) above, 10% of the above number may be printed as extra ballot papers to meet the contingencies, like mutilation at the time of fixing the ballot papers in the ballot units, defective ballot papers, supply of additional tendered ballot papers to the polling stations, were necessary, through the zonal or sector officers, etc.

## **ARRANGEMENTS FOR PRINTING OF BALLOT PAPERS**

29.1 The arrangements for printing of ballot papers required for your constituency will be made by the Chief Electoral Officer as for the other constituencies. It is therefore, necessary that you should furnish to the Chief Electoral Officer the list of contesting candidates in Form 7A immediately after the same has been prepared after the last hour fixed for the withdrawal of candidatures and the allotment of symbols to the candidates. The list should be sent to the Chief Electoral Officer by the fastest means of communication available like Fax, Telex, Wireless, Telegram, or by sending a special messenger.

29.2 You should also make special arrangements to collect the ballot papers from the printing press immediately after the same have been printed. The arrangements for the transport of ballot papers from the press to your headquarters shall be made in a closed vehicle under proper security guard. You should keep all ballot papers under lock and seal in the treasury till you required them for the purposes of the poll.

## **VERIFICATION OF BALLOT PAPERS**

30.1 You should also make special arrangements to check the ballot papers while the same are under print at the printing press to ensure that the names of all the contesting candidates and the symbols respectively allotted to each of them have been correctly printed.

30.2 On receipt of the printed ballot papers from the Press, the ballot papers should be checked so as to ensure that there is no discrepancy in the number of ballot papers as supplied by the press and the number found on actual counting at your end. If on such checking any ballot paper is found defective in any manner or with duplicate number or the serial number of any ballot paper is missing, the same should be clearly noted in a register and also published on the notice board of your office as well as at the distributing centre. A copy of the notice should be sent to each of the contesting candidates also.

## **SAFE CUSTODY OF UNDISTRIBUTED BALLOT PAPERS**

31.1 Some ballot papers may remain undistributed with you after the same have been fixed on the ballot units of the voting machines and supplied to the polling stations for use as tendered ballot papers. Such undistributed ballot papers should be kept by you at some central place on the day of poll for supply to any polling stations as may be required according to the exigencies of the situation. Proper safeguards must be taken to ensure that such undistributed ballot papers remain either in your custody or that of one of your Assistant Returning Officers specifically nominated by you and do not fall in unauthorised hands.

31.2 After completion of the election, such undistributed or surplus ballot papers should be put inside a steel trunk or receptacle. That steel trunk or receptacle should be sent to the Chief Electoral Officer or kept in the treasury under the orders of the Chief Electoral Officers as contemplated in Chapter XVIII, until these undistributed ballot papers are destroyed in the manner indicated in that Chapter.

## **CHAPTER XI ARRANGEMENTS FOR POLL**

### **POLL ARRANGEMENTS TO BE MADE FINAL**

1.1 As soon as the list of contesting candidates has been published, you should make your arrangements for the poll final and checkup that everything is ready for taking the poll on the scheduled date(s).

1.2 You must have already calculated the exact number of voting machines required for taking the poll in your constituency, including the reserve machines. The machines are kept at some selected places in your State/Union Territory under the charge of the Chief Electoral Officer or the District Election Officer. You should immediately obtain the required number of machines if you have not already done so. Each and every machine has to be thoroughly tested for its 100% (hundred per cent) error-free functioning at the time of poll. More details about it are given in the following chapter.

1.3 You should also get printed immediately the required number of ballot papers which are to be used on the ballot units of the voting machines and also for supply to the polling stations for use as tendered ballot papers, in accordance with the instructions given in this behalf in the previous chapter.

1.4 Likewise, you must procure urgently all other polling materials, statutory and non-statutory forms and other stationery that you will require for taking the poll.

1.5 You should maintain a forward diary of the different items of work that you have to attend to from time to time and keep it upto-date by adding remarks to show the progress made in respect of each item. Here is a sample list (not exhaustive but only illustrative) of your tasks during this period :-

- i. Obtaining the required number of voting machines and getting each machine thoroughly tested;
- ii. Printing of postal ballot papers and ballot papers for use on ballot units of voting machines and for use as tendered ballot papers;
- iii. Ensuring that formal appointment orders for the Presiding Officers and Polling Officers for each polling station in your constituency have been issued by the District Election Officer;
- iv. Organising comprehensive and exhaustive training of polling personnel on conduct of elections on EVMs;
- v. Issuing of forms of application (Form 12 and 12A) for postal ballot papers and election duty certificates to the polling personnel including the police and Drivers/Cleaners of the requisitioned vehicles;
- vi. Requisitioning of vehicles required for the poll including the vehicles required for transport arrangements of polling personnel and polling materials;
- vii. Finalising the transport arrangements for polling personnel and polling materials;
- viii. Checking up the deployment of police forces and their movement to synchronise with the movement of the polling parties;

- ix. Dispatch of postal ballot papers along with connected papers to voters entitled to vote by post and the Election Duty Certificate to such of the voters on election duty who wants to vote on the strength of such certificates;
- x. Review of your requirement of polling materials, including statutory and non-statutory forms, etc., in the light of actual number of contesting candidates and the total number of polling stations;
- xi. Meetings with contesting candidates with a view to seeking their cooperation and removing their misapprehensions, if any;
- xii. Supplying the contesting candidates with (i) lists of polling stations and the areas covered by each polling station and (ii) forms of appointment of polling and counting agents;
- xiii. Preparing required number of working copies of the relevant parts of the electoral roll for use in each polling station;
- xiv. Provision of screened voting compartments at each polling station in which a voter can record his vote on the ballot unit of the voting machine in complete secrecy;
- xv. Publicity about the location of polling stations;
- xvi. Distribution of polling materials to the polling parties;
- xvii. Supply of copies of 'Instructions to Electors' for recording their votes by means of voting machines to political parties/candidates for distribution among electors;
- xviii. Arrangements for the return of the polling parties after the poll and the receipt of the voting machines and other materials and election papers from them;
- xix. Arrangements for the safe custody of these voting machines and other election papers on completion of poll;
- xx. Arrangements for setting up the counting center(s).

2.1 You should meet the contesting candidates as often as you can and keep them informed of the arrangement you have made.

2.2. The Commission has been preparing and supplying Electoral Photo Identity Cards (EPIC) to the electors which is aimed at preventing impersonation during the polling. The Commission has been trying to prepare and supply to every eligible elector an Electoral Photo Identity Card. The Commission has also made it mandatory that identification of an elector shall be done at the polling station before allowing such an elector to vote. For this purpose, the Commission has instructed that the electors who have been issued the EPIC shall produce the same at the polling station before the polling officer. Any minor discrepancies in the entries in the EPIC relating to its serial number, elector's name, father's/mother's/husband's name, sex, age or address shall be ignored and the elector allowed to vote so long as the identity of the elector can be established by means of that card. If an elector produces an EPIC which has been issued by the Electoral Registration Officer of another Assembly Constituency, such card shall also be accepted as for identification provided the name of the elector finds place in the electoral roll pertaining to the polling station. *However, to ensure that the elector does not vote at more than one place, his forefinger should be thoroughly checked for indelible ink before he is allowed to move to the second polling officer.* In order that no elector is denied of his right to vote the Commission issues instructions at each election prescribing alternative documents of identification for the benefit of those electors who have not been issued EPIC or the electors who have lost the EPIC

or are not able to produce them. You should, therefore, make yourself fully conversant with the latest instructions of the Commission in the matter. The Chief Electoral Officer will inform you of these before every election on the specific orders of the Commission. You must give adequate publicity to the orders relating to compulsory identification and the alternative identification documents prescribed by the Commission.

## **COOPERATION FOR LAW AND ORDER**

3. The contesting candidates, if they are tactfully approached, will also be of great help to you in maintaining law and order at and before the poll. If you can secure their cooperation, many of your other difficulties would also be easily solved.

## **MODEL CODE OF CONDUCT AND ITS OBSERVANCE**

4.1 It hardly needs to be emphasized that for the smooth conduct of an election a peaceful atmosphere should prevail during the election period. The most potent cause which tends to mar the conduct of the election and disturbs the atmosphere of friendly competitiveness that should prevail is the violation of statutory provisions of election law relating to corrupt practices and electoral offences and indulgence other malpractices by some or the other political party or the candidate or their workers. This, apart from vitiating the general atmosphere in the constituency, creates problems for the authorities responsible for the maintenance of law and order as well.

4.2 With a view to maintaining a healthy and peaceful atmosphere during the election period which would be conducive for ensuring a free and fair election, the Commission has evolved a Model Code of Conduct for Guidance of Political Parties and Candidates. A copy of that Model Code of Conduct is reproduced in **Annexure XXVII**.

4.3 The Model Code of Conduct comes into operation from the day the Commission announces the programme for election in your constituency. You should familiarize yourself fully with the model code and also with the instructions of the Commission as contained in the Compendium of Instructions Vols. I, II, and III.

## **STANDING COMMITTEES**

5.1 For ensuring compliance with the model code by all political parties and contesting candidates and for considering specific cases of violation of that code, the Commission has issued instructions in the past that standing committees should be constituted in each district under the chairmanship of the head of the district administration with the Deputy District Election Officer as the Convener and the representative of all recognised and registered political parties of the district level as its members.

5.2 The Commission subsequently instructed that such standing committees should also be formed in each constituency. Such committee in your constituency will be in addition to the committee functioning at the district level and will be presided over by you. In this committee you could associate the representatives of all National parties, State parties in your State as well as the Registered parties functioning in your constituency. The independent candidates contesting the election from the constituency should also be made members of the committee. The representatives of law and order enforcement authorities should also be associated with such committee.

5.3 The committee may meet as often as may be convenient and necessary. In such meetings, you should address a special appeal to the members to co-operate in the observance of the Model Code of Conduct and to take active steps to ensure that no one in an excessive zeal and excitement may overstep the limits laid down by law and at the same time render himself liable to penalties prescribed by law. It should be impressed upon the members that any violation of the code committed on behalf of any party or candidate cannot but create a feeling of bitterness and

resentment in the minds of the other parties and candidates and their supporters. Moreover to the extent that any such violation is made, the election falls in its standard of morality and cleanliness. In the cases of the violation of the code brought to the notice of the Committee which resulted in the breach of the Provisions of election law, you should seek the co-operation of local magistracy and the police in dealing with such election offences. The Election Commission has already requested the State governments to take all necessary steps during the election period for preventing and checking promptly and strictly any instance of the commission of election offences.

5.4 The Committee may also consider apart from the model code any matter of common interest to the members and intended to further the object of holding free and fair election from the constituency.

5.5 Whenever such meetings are held, proper minutes thereof should be maintained.

## **PREPARATION OF WORKING COPIES OF ELECTORAL ROLLS**

6. In the case of simultaneous election, prepare 4 working copies of the electoral roll for each polling station for distribution as follows :

First Polling Officer responsible for identification of electors	1 copy
Presiding Officer	1 copy
For circulation among polling agents/Exhibition	1 copy
Polling Station Reserve	1 copy

Note : Only 4 copies need however be prepared for a single election.

## **POLLING REHEARSAL**

7.1 The staff must have already been trained at earlier polling rehearsals. Brush up their knowledge and experience by more rehearsals as necessary especially on EVMs. All Presiding Officers and polling officers should be given hands-on training, if not already done earlier. Invite the candidates to such rehearsals and encourage them to secure the attendance of their prospective polling agents at these rehearsals. Explain at these rehearsals the vital points for the polling agents to remember at the poll.

7.2 The Commission has recently issued instructions that police officers and police personnel deployed on election related duties should also be imparted training. Ensure that the instructions are duly complied with and proper training imparted to the police officers and police personnel. (See **Annexure IV** also in this regard.)

## **DUMMY BALLOT PAPERS**

8. There is no objection to a candidate printing a dummy ballot paper to be used on the ballot units using his own name and symbol indicating the place where they would appear in the ballot paper to be used at the election. But it should not contain the names and symbols of any other contesting candidates in the constituency. The dummy ballot paper may be printed on any colour such as brown, yellow or gray, but not pink and white, and should not resemble the genuine ballot paper in size or colour.

## **DUMMY BALLOT UNITS**

9. There is also no objection to the candidates/ political parties preparing dummy ballot units for the purpose of educating the voters. The dummy ballot units may be made of wooden,

plastic or plyboard boxes, half the size of the official ballot units and may be painted brown, yellow or gray. These dummy ballot units may have provision for showing the serial number, name and symbol of the candidate as in the dummy ballot paper. It may also have a battery operated button and a lamp which may burn on the button being pressed.

## UNOFFICIAL IDENTITY SLIPS

10.1 The political parties/candidates may issue unofficial identity slips containing the following information to the voters ;

- (i) the name and serial number of the voter in the electoral roll ;
- (ii) part number of the electoral roll ; and
- (iii) the serial number and name of the polling station.

10.2 The identity slips should be on white paper and should not contain the name of the candidate and/or the name of his party and/or his election symbol. The slips should not contain any slogans or any exhortation to vote for a party or for a candidate, since these would amount to canvassing within the polling station which is not permissible. The circulation of any slip containing any such slogan or exhortation within 100 metres of the polling station would amount to canvassing which is not permissible under the law. The sample of slips which may be issued by the candidates are given below :-

### SAMPLES OF UNOFFICIAL IDENTITY SLIPS ISSUED TO VOTERS BY POLITICAL PARTIES FOR BYE-ELECTION IN PERUNDURAI ASSEMBLY CONSTITUENCY IN TAMIL NADU STATE

Perundurai Legislative Assembly Constituency	Polling Station Part No. 14	.....School Voter's No. 1653
	Name :	
	Father/Husband Name :	
Date of poll	Age:	Women - 22
	Address .....	

OR

Part No. 6	Date of poll
Serial No. 2284	House No. 19
Name : .....	
Father's name : .....	Women-25

## REGULATION OF PLYING OF VEHICLES ON POLL DAY

11. Follow carefully the instructions issued by the Commission on the regulation of vehicular traffic during the election period and particularly on the day of poll with a view to cordoning off the polling areas from vehicular traffic to prevent voters from being carried in the vehicles arranged by candidates and their supporters. Permits should be issued to vehicles to be used by candidates, their election agents, etc. strictly according to the norms prescribed by the Commission.

## **CHAPTER XII**

### **PREPARATIONS FOR THE POLL - COMMISSIONING OF ELECTRONIC VOTING MACHINES**

#### **PRELIMINARY**

1. You must have already assessed your requirement of voting machines, including reserve machines for use at the election in your constituency. You must have also obtained the required number of machines through the Chief Electoral Officer of your State/Union territory under whose overall charge all the voting machines are kept in your State/Union territory. Immediately after the list of contesting candidates is prepared, you will know the number of ballot units which you will have to supply to each polling station as one ballot unit can cater upto sixteen candidates. Therefore, you should make an immediate reassessment of the ballot units required for use in your constituency and obtain immediately the additional ballot units.

#### **ASSESSMENT OF THE REQUIREMENT OF VOTING MACHINES**

2. The assessment of the requirement of voting machines for use in the constituency shall be made on the following basis:-

i. One control unit shall be required to be supplied to each polling station. (In some rare cases, the Commission may as a special case provide under rule 49C(4) one common voting machine for two or more polling stations located in the same premises. Ordinarily, a separate voting machine shall be used for each polling station.) Therefore, the requirement of control units for use at the polling stations shall be equal to the number of polling stations provided in the constituency.

ii. The requirement of ballot units for use at the polling stations will be dependent upon the number of contesting candidates at the election. If the number of candidates is upto sixteen only one ballot unit is required for each polling station. Thus, the requirement of ballot units will be equal to the number of polling stations. Such requirement will become double if two ballot units are to be used when the number of contesting candidates is upto thirty two. This requirement will likewise become three times or four times if the number of ballot units required is three, where number of contesting candidates is upto forty eight or, as the case may be, four where the number of contesting candidates is upto sixty four.

iii. Over and above the requirements of control units and ballot units for actual use at the polling stations as worked out above, 10% of such numbers in rural areas and 5% in urban areas or such percentage as may be directed by the Commission, of control units and ballot units shall be procured extra to be kept as reserve machines.

iv. In the case of a simultaneous elections to the House of People and the Legislative Assembly of the State, two separate sets of ballot unit and control unit will be required, i.e., one set of ballot unit and control unit for the elections to the House of People and another set of ballot unit and control unit for the election to the Legislative Assembly.

#### **FIRST LEVEL CHECKING AND RANDOMIZATION OF MACHINES**

3.1 As a general policy, the Commission desires that all EVMs available within a district shall be stored at the district headquarters under the direct control of the District Election Officer. It may be possible that due to want of storage space the EVMs may be stored in a decentralized manner in different locations. Even in such cases, for the purpose of first level checking and randomization procedure proposed to be introduced through this instruction, all EVMs available in the district shall be brought to the district headquarters under proper escort.

3.2 The first level checking as prescribed in the earlier instructions shall from now onwards be carried out by the BEL/ECIL engineers, as the case may be, only at the district head



quarters. For coordinating all activities connected with the first level checking, the DEO shall nominate a nodal officer at his level and intimate the name of such officer to the CEO. The first level checking will be done by following the existing instructions and procedures.

3.3 For the purpose of tracking various steps taken in the process of first level checking, randomization and deployment of EVM, an adhesive label (pre-printed sticker) will be prepared and kept ready for use. (This can be organized centrally by the CEO or the DEO can print at their level as per the decision of CEO in this regard). A sample model of such label is given in **Annexure 1**.

3.4 As soon as the first level check is over the sticker will be pasted on the back side of the CU and the checking- engineer will put his signature indicating the date in the relevant slot provided in the sticker. This would mean that the CU is in order in every respect. The unique machine number of the control unit (CU) will be also indicated in the relevant slot in the sticker; besides, a running serial number will also be allotted to the CU and will be indicated in the relevant slot. Simultaneously, the representative of DEO duly authorized for this purpose will also put his signature in the relevant space. After this, CU shall be stored with due precaution and care. In case of any CU found to be defective during checking, such CUs shall be isolated and kept separately for follow up action for rectification of defect. The above procedure will also be applicable for the Ballot Units which will be verified, signed and numbered in the above manner.

3.5 A database of the CUs and BUs verified and certified will be prepared separately and kept in readiness for randomization. The data base structure will contain details of CUs and BUs indicating the machine number (original number given by the manufacturer as inscribed on a metallic plate at the back side of the CU/BU as the case may be.) The CUs/ BUs so verified shall be kept under proper lock and key.

3.6 The DEO will fix up a schedule, which should in any case be fixed before the start of training of polling personnel, for randomization of CUs/ BUs for distribution to ACs in the presence of the representatives of recognized political parties. The randomization will be done in such a way that the CUs /BUs are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. Again, the surplus CUs/BUs shall also be randomly grouped and distributed AC wise for the purpose of training (for the training of the polling staff as well as for the purpose of voter awareness). A sticker of different color shall be affixed at the front side of the CUs/ BUs set aside for training purpose clearly indicating “<Name of the State, Year of election> : Training CU/ BU”. While randomizing the CUs/ BUs the DEO shall take the number of polling stations in each constituency into account.

3.7 After AC wise grouping of CUs/ BUs is done in the above manner, a ‘current ID’ shall be assigned to each of CU/ BU in the relevant slot provided in the sticker. The ‘current ID’ would mean ‘the AC no followed by a new running serial number for that AC’. For example if AC No 56 is allotted 280 CUs and BUs the current ID for the CUs would be from ‘56/CU/001’ to ‘56/CU/280’. Similarly the current ID for BU would read ‘56/BU/001 to 56/BU/280’

3.8 The randomized list of CUs and BUs allotted to each AC for use at polling stations as well as the training EVMs shall be prepared separately and signed by the DEOs representative and the R.O and that list shall be handed over to all representatives of the recognized political parties. Even if a representative is not available at the time of randomization the list shall still be sent to the party office and a receipt obtained.

3.9 Thereafter, the R.O of the constituency, shall take charge of the CUs/BUs randomly allotted to his constituency. The CUs/BUs meant for use at the election shall be separately taken to R.O’s strong room under proper escort and will be guarded. The training EVMs shall be distributed to the relevant officers for the training purpose. At the time of sealing the strong room,

the representatives of political parties can remain present and they can also affix their seal on the lock.

## **SECOND RANDOMIZATION**

- 4.1 On the day fixed for preparing the CUs/BUs for use in the election, the R.O will ensure that the preparation of CUs/BUs is done invariably in the presence of the candidate or his agent or authorized representative and in the presence of observer as per the existing instructions. Now, the R.O will do the second randomization of the CUs/ BUs to allot the CU/ BU to specific polling stations. After that he will write the PS No to which the CU/BU has been randomly allotted in the slot provided for it in the adhesive label. The remaining CUs/BUs (not allotted to any specific PS) shall be kept as 'Reserve' for use if needed. Such CUs /BUs shall be marked as 'R' – meaning 'Reserve' in the slot meant for PS No.
- 4.2 At this stage, the CU and BU randomly earmarked PS wise as above shall be identified by matching the PS no and kept in pair by tagging them together. Any candidate/ agent present at the preparation hall may choose to get the CU/BU again checked by the master trainers/ technical personnel if available through a 'mock poll cum result verification' in order to satisfy himself about the functioning of the EVM. The R.O should also, as a pro-active measure, do a random verification of at least 10% of such CU-BU pairs to test the working status of the EVMs.
- 4.3 Then a Polling Station wise list indicating the Current ID and machine number of the CU/BU allotted to each PS will be prepared and signed by the R.O. The R.O will also prepare a separate list of CUs/BUs marked as 'R' indicating the current ID and machine number. Both the above lists will be signed by R.O and copies shared with the candidates/ agents/ representatives and their signature shall be obtained as the token of receipt.
- 4.4 As per the existing instructions two types of address tags – one for use on CU and another on BU have been prescribed. From now on wards, the tag shall also contain the current ID no (as mentioned in the sticker- read para 7 above). The address tag attached to reserve CU/ BU shall indicate the 'Reserve' status of the unit. The tagging of address tag shall also be done at this stage itself – in the presence of candidates/ agents/ observer. All the CUs/ BUs allotted to Polling Stations as above as well as the reserve machines shall be kept in the strong room in the presence of candidates/ agents. They can also be allowed to affix their seal on the lock of the strong room.
- 4.5 When the EVMs are taken out of the strong room for dispatch the usual precaution of informing the date and time of opening of strong room in writing to the candidates/ agents shall be followed.
- 4.6 **At the time of dispatch the Presiding Officers shall be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS no indicated on the sticker compared with PS no mentioned in the address tag before accepting the EVM. Discrepancy if any shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.**
- 4.7 The candidates may be advised to share the current ID and machine number of the EVM (both CU/ BU) allotted to the specific PS with their polling agent/ agents appointed by them so that they are in a position to inspect the EVM for their satisfaction before the commencement of mock poll on the poll day. The Presiding Officers shall be advised to display the sticker containing the machine number and current ID etc., to the agents present before the commencement of the mock poll. It is relevant to note that as per the existing instructions the presiding officer is supposed to mention the number of CU/ CUs used; serial numbers of CU/CUs used; numbers of BU/BUs used and serial numbers of BU/BUs used at the polling station in the Presiding Officer's Diary (refer: Chapter XXVIII, Para 1 of Handbook for Presiding Officers- At elections where electronic voting machines are used, 2004). This instruction shall be scrupulously followed.

4.8 In case of replacement of CU or BU due to reason at any polling station the sector officer or any authorized officer who effects such replacement shall prepare a special report indicting the machine number and current ID of the existing CU/BU and new CU /BU separately. The officer shall also mention in the special report, the reason for deployment of the spare CU/BU and the time of such replacement, votes polled in the replaced machine at that point of time and leave one copy of the special report with the Presiding Officer while retaining a copy to be handed over to the R.O

4.9 The machines shall be escorted back after the poll is over to the reception centres under proper escort. After all formalities are completed, the EVMs shall be kept in strong room and the room sealed in the presence of the candidates/their agents and observer

#### **EVMs USED FOR REPOLL**

4.10 In case of repoll, the EVM required for repoll shall be drawn from the reserve list and the CU/BU number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU and BU clearly mentions it to be the EVM for use in the repoll indicating the date and PS no.

4.11 After repoll, for the storage of the repolled EVM, the strong room shall be re-opened in the presence of the candidates/ their agents and observer. This repoll EVM should be placed together with the old EVM which was used earlier in the original poll. A tag '**Not to be counted**' shall be put prominently on the old EVM and another tag '**Repoll EVM – to be counted**' shall be put on the new repoll EVM. RO shall put signature on both the tags.

4.12 The political parties/candidates should be advised in writing to properly train their counting staff and that they should bring (for tallying purpose) their copies of Form 17-C which shows the machine numbers used at the polling station and was handed over to them at the close of the polling by the presiding officer. Besides, the candidates have also been given a consolidated list of polling station wise list of CUs used during the polls (Read Para 12 above). This along with the additional information given by RO in writing to the candidates regarding the machine numbers of CUs used as replacement and the CUs used during repoll will give a complete picture of the all the EVMs used at polling stations. In order to further facilitate, additionally, the RO shall paste the EVM deployment account indicating the CU numbers of EVM used polling station wise in the relevant counting hall itself for everyone to see.

4.13 All the stages enumerated above shall invariably be fully covered with videography and records kept properly.

4.14 The above instructions should be complied with without any deviation and brought to the notice of all concerned, viz. the political parties, contesting candidates, all field officers concerned and the observers.

#### **COMMISSIONING OF MACHINES**

4.1 Before a voting machine is supplied to a Presiding Officer for use at a polling station, some preparations are to be made in it at the Returning Officer's level. The details of such preparations on the ballot units and the control units are explained in the following paragraphs. These preparations have to be made in the presence of the candidates and/or their agents.

4.2 You should decide well in advance as to when the voting machines shall be prepared as aforesaid. This will depend on the number of machines to be prepared, the time required for the movement of polling parties with the voting machines to the polling stations, the time likely to be taken in the printing of ballot papers for use on the ballot units and such other factors. In any

case, all required EVMs must be duly prepared one week before the date of poll in the Constituencies.

## **NOTICE TO THE CANDIDATES ABOUT DATE AND TIME OF PREPARATION OF VOTING MACHINES**

5.1 You should, at least one week before the date on which the preparation of the voting machines is to be taken up, give notice of the same in writing to each candidate or his election agent intimating him the place or places where the machines will be so prepared and the date and time at which such preparation will commence. You should intimate the candidate/his election agent the number of representatives that every candidate will be permitted to bring with him at the aforesaid place or places. This will again depend on the number of machines to be prepared for use. The whole process of preparation of the machines which is required to be done in the presence of Observers will be videographed.

5.2 If for any reason, none of the candidates or their agents is present on the date and time given in the notice sent to them, you should not postpone the operation of preparing the voting machines. You should go ahead even if no candidate or agent is present. However, announcements should be made from the public address system fitted in the building before starting the preparation.

5.3 When the candidates and their agents are present, you should explain to them the procedure to be followed by you for preparing the voting machines. You should allow them to inspect the control units and ballot units during the process of their preparation.

## **PREPARATION OF THE BALLOT UNIT**

6.1 Each ballot unit has to be prepared at the Returning Officer's level by :-  
(A) Inserting and fixing ballot paper in the space meant for the purpose;  
(B) Masking the candidates buttons which are not required to be used, depending on the number of contesting candidates;  
(C) Setting the slide switch at the appropriate position, i.e. , 1, 2, 3 or 4, as the case may be, according to the number of such units which are to be used depending upon the number of contesting candidates and the sequence in which each unit is to be used, and  
(D) Sealing the unit (detailed step-by-step operations during sealing of EVM may be seen at **Annexure XXVIII-A**).

6.2 The technical details about the operations mentioned at (A), (B) and (C) above are given in Chapter III of the Electronic Voting Machine Manual published by the manufacturing company. You should carefully read the instructions given in that chapter and also the instructions given in the following paragraphs and each instruction should be meticulously followed at the time of carrying out the above operations.

## **FIXING THE BALLOT PAPER**

7.1 There is provision for fixation of ballot paper on the ballot unit under a transparent acrylic sheet (ballot paper screen). Every ballot paper before it is fixed on a ballot unit shall be either signed on its back by the Returning Officer or stamped on its back with a rubber stamp bearing the facsimile signature of the Returning Officer.

7.2 For fixing the ballot paper under that screen, you have first to open the top cover of the ballot unit. This can be done by pressing simultaneously, towards right, the latches at the top and bottom on the right edge of the unit and swinging the cover up. The top cover and the lower portion of the ballot unit will then open like a book. Thereafter, you should open the ballot paper screen which is hinged to the top cover on the extreme left side. The release latches of the screen are inside the top cover. By pressing the latches simultaneously, first slightly towards right

and then pushing them downwards the ballot paper screen will become free for opening on the upper

side of the top cover. While opening the screen, every care should be taken to ensure that it does not get damaged in the process. After so opening the ballot paper screen, the ballot paper should be placed in the space provided for the purpose on the upper side of the top cover of the ballot unit. The ballot paper should be properly aligned so that each candidate's name and his symbol are in line with the corresponding lamp and button and the thick lines dividing the panels of candidates on the ballot paper are in line with the corresponding grooves on the ballot unit. It should be noted that alignment of the ballot paper is a very important step. There should not be any misalignment as this will create confusion in the minds of the voters and may lead to serious complications. After ensuring such alignment, you should close and press-fit the ballot paper screen to secure the ballot paper firmly underneath that screen.

7.3 After ballot paper has been firmly fixed and the ballot paper screen has been pressed-fit on the upper side of the top cover, the screen should be sealed on the inner side of the top cover. This should be done by passing a thread through the two holes on the screen specially provided for the purpose on the inner side. The thread should be tightened and given a firm knot. The two ends of the thread should be placed on an address tag and you should put your seal on the thread and the address tag. The address tag should contain the following particulars :-

Election to the .....  
From.....constituency  
Serial No. of ballot unit .....  
Date of poll .....

### **MASKING OF CANDIDATES BUTTONS WHICH ARE NOT TO BE USED**

8.1 On the ballot unit, only those candidate buttons should be visible which are to be used by voters. In other words, the number of candidate buttons which should be visible will be equal to the number of contesting candidates. For example, if the number of candidate is nine, the first nine from the top (i.e., 1 to 9) candidates' buttons should be visible and the remaining seven buttons (i.e., 10 to 16) should be masked.

8.2 The masking of the unwanted buttons can be done by moving the white masking tabs on to the candidate's buttons, when the ballot unit is open like a book as explained in para 7 above.

### **SETTING OF SLIDE SWITCH**

9.1 Inside the ballot unit, on the top right side, there is a slide switch which has four positions 1, 2,3, and 4. The positioning of this slide switch determines the serial order in which a particular ballot unit is to be linked with the control unit and kept inside the voting compartment for use at a polling station.

9.2 Where the number of contesting candidates is upto sixteen, only one ballot unit will be used. In such case, the slide switch shall be set to the position marked 1. Where the number of contesting candidates is more than sixteen and upto thirty two, two ballot units will be used. In the first ballot unit in which the ballot paper containing the names of candidates at serial nos. 1 to 16 is fixed, the slide switch shall be set to the position marked '1' and the second ballot unit where the ballot paper containing the names of candidates from 17 onwards is fixed shall be set to the position '2'. Likewise, if three ballot units are to be used in a constituency where the number of contesting candidates exceeds thirty two and is upto forty eight the slide switch will be set to the position marked '1' in the first ballot unit in which the names of candidates at serial nos. 1 to 16 appear, to the position marked '2' in the second ballot unit in which the names of contesting candidates at serial nos. 17 to 32 appear and to the position marked '3' in the third ballot unit. Similarly, if the fourth ballot unit is also to be used in case the number of contesting candidates exceeds forty eight, then the slide switch will be set to the position marked '4' in the last ballot unit.

**Note:.** It is absolutely essential to ensure that the slide switch is set in the appropriate position in each ballot unit as any wrong linking of the ballot units will render the machine non-functional and on pressing any buttons on the control unit the letters 'LE' indicating linking error will appear on the display panel of the control unit.. The linking error should be set right by interlinking the ballot units in the proper sequential order

## **SEALING OF THE BALLOT UNIT**

10.1 After the ballot paper has been inserted, fixed and sealed under the ballot paper screen, the candidates' buttons which are not required for use have been masked and the slide switch has been set in the required position, the ballot unit should be closed by bringing the top cover back to its original position. The ballot unit should then be sealed. For this purpose, pass two threads one through the three holes at the top and the other through the three holes at the bottom specifically provided for the purpose, give a firm knot to each thread and seal each thread with the Returning Officer's seal by placing its two ends on an address tag containing the following particulars :-

'Election to the .....  
From..... Constituency  
Ballot Unit No. ....  
Serial No. and name of polling station where it is to be used .....  
Date of poll ..... '

The candidates or their agents will be permitted to affix their seals, if they so desire in addition to the seal of the Returning Officer.

10.2 After the ballot unit has been so prepared and sealed, it should be kept back in its carrying case. An address tag containing the above particulars should be attached to the handle of the carrying case.

## **INTER-LINKING OF BALLOT UNITS AND CONTROL UNIT**

11.1 Where the number of contesting candidates exceeds sixteen, more than one ballot unit, depending upon the actual number of contesting candidates, are to be used. All such ballot units to be used at a polling station are to be inter-linked and the first ballot unit will alone be linked with the control unit.

11.2 The ballot units shall be so inter-linked that the second ballot unit, i.e. , the ballot unit in which the slide switch is set at position 2, is linked with the first ballot unit in which the slide switch is set at position 1. Where three ballot units are to be used, the third ballot unit will be linked with the second ballot unit and the second with the first, and where all the four ballot units are to be used, the fourth unit will be linked with the third unit, the third with the second and so on.

11.3 For linking one ballot unit with another, there is a socket provided in a compartment at the bottom portion of the ballot unit. The connector of the interconnecting cable of the second ballot unit will be plugged into the abovementioned socket of the first ballot unit. Likewise, the connector of the third ballot unit's interconnecting cable will be plugged into the second unit and that of the fourth unit into the third unit.

11.4 As mentioned above, the first ballot unit alone will be plugged into the control unit. The socket for plugging the interconnecting cable of the ballot unit into the control unit is provided in the rear compartment of the control unit.

11.5 That rear compartment in the control unit also contains the 'Power' switch and this switch when put to 'ON' position makes the battery of the voting machine operational and supplies the

power both to the control unit as well as to all the ballot units when linked to the control unit in the manner described above.

**NOTE:**

A. Where more than one ballot unit are used, the same should be interlinked in the proper sequential order as explained in paragraph 11 above..

B. The connector of the interconnecting cable - one end of which is fused with the ballot unit - is a multi-pin connector. The connector goes into the socket of the other ballot unit or of the control unit only one way which can be found out easily by looking at the orientation of the pins and the word 'Top' written or inscribed on the hood of the connector.

C. The connector of the interconnecting cable can be disconnected from the control unit or from the other ballot unit only by releasing the spring type clips on both sides of the connector hood. These spring type clips will be released when pressed inward simultaneously and the connector should then be pulled out while keeping the spring type clips so pressed.

D. The pins of the connector are quite delicate and the connector should not be forced in the socket in such a way as may damage or bend the pins. The machine will work only when the connection is made properly.

E. Connecting the ballot units and the control unit or disconnecting them properly requires some practice so as to avoid any damage to the machine. This aspect should be clearly impressed and stressed upon during training to all election officers, including Presiding Officers and Polling Officers, who handle and operate the voting machines.

## **PREPARATION OF CONTROL UNIT**

12.1 Like the ballot unit some preparations are to be made also in the control unit of the voting machine at the Returning Officer's level. These preparations are :-

- i. Installation of the battery,
- ii. Setting the number of contesting candidates, and
- iii. Sealing that section of the control unit which is called 'Candidate Set Section'.

(Refer **Annexure XXVIII** for detailed step-by-step operations during sealing of EVM).

12.2 The details of these operations are given in Chapter 3 of the Electronic Voting Machine Manual Published by the manufacturing company. The instructions given in that manual should be meticulously followed in the above operations. These operations are explained below.

## **BATTERY INSTALLATION**

13. As mentioned above, the Electronic Voting Machine operates on a special battery which is supplied by the manufacturing company. A new battery only should be used whenever a machine is used at any election. There is provision for installation of the battery on the top side of the control unit in the 'Candidate Set Section'. For installing the battery in the compartment specifically provided for the purpose in the 'Candidate Set Section', the cover of that section may first be opened by pressing slightly inwards the latch provided on the left side. The battery has a socket and that socket mates with a plug in the battery compartment in the 'Candidate Set Section'. The socket of the battery is covered with a small strip of adhesive tape. Remove this tape and install the battery by mating its socket to the plug and ensure that the battery is pressed tight.

## **SETTING THE NUMBER OF CONTESTING CANDIDATES**

14.1 A control unit of the voting machine can cater upto sixty four candidates. Therefore, at every election where the voting machine is used, the control unit has to be set according to the number of contesting candidates at that election.

14.2 For setting the number of contesting candidates, the following operations shall be performed :-

- i. The number of contesting candidates can be set in the control unit only by linking this unit with the ballot unit or with all the ballot units where more than one ballot units are to be used. The process of linking the ballot units with the control unit has already been explained above.
- ii. After the control unit and the ballot unit(s) have been linked, push the 'Power' switch to 'ON' position so that both the units get the necessary power to make them operational.
- iii. Press the button marked 'Cand Set' in the 'Candidate Set Section' of the control unit. Thereupon, the two-digit Display Panel on the left side of the Display Section of the control unit will flash the letters 'Cd' and the four-digit Display Panel on the right side will flash.
- iv. When the letters 'Cd' Start flashing on the Display Panels on the control unit, the candidate's button against the last contesting candidate in the ballot unit should be pressed. For example, if there are nine contesting candidates and the machines is to be set for nine candidates, candidate's button of the ninth candidate on the ballot unit should be pressed. If the number of contesting candidates is more than 16, say, 23, the candidate's button against the name of the contesting candidate at serial no. 23 in the second ballot unit should be pressed. On that button being pressed, the Display Panels will stop flashing the letters 'Cd' and instead the full panel will display the number of candidates for which the machine has been so set, like 'Cd 9' or, as the case may be 'Cd 23'.

14.3 If by mistake, a wrong button on the ballot unit has been pressed e.g. instead on 9, either 8 or 10 was pressed, such wrong setting can be corrected by pressing the 'Cand Set' button again. The machine will again flash the letters 'Cd' and the correct button on the ballot unit should be pressed so as to set the correct number of contesting candidates.

**NOTE :**

- A. The number of contesting candidates can be set in any number of control units by using only one ballot unit or one set of ballot units (where more than one ballot units are to be used depending upon the number of contesting candidates). To ensure that no wrong button is pressed, mask all the candidates buttons except the button of the last contesting candidate on such ballot unit or set of ballot units. In the above example, mask the button 1 to 8 and 10 to 16 and leave only the button of candidate number 9 unmasked, if the number of contesting candidates is nine; or mask all the sixteen buttons on the first ballot unit and all the buttons, except the button of candidate no. 23, on the second ballot unit where the number of contesting candidates is 23.
- B. Where the work of setting the number of contesting candidates in different control units is distributed amongst different officers, each such officer may use a separate ballot unit, or as the case may be, a separate set of ballot units (where more than one units one used) for setting the number of contesting candidates in all the control units allotted to him.

## **CLEARING THE MACHINE**

15.1 After the number of contesting candidates has been set in the control unit in the manner described above, all the data recorded in the machine relating to a previous election, if any, should be cleared. For this purpose, the button marked 'Clear' in the Result Section of the control unit should be pressed. On the 'Clear' button being pressed, all the counts in the machine shall be automatically set to ZERO and the display panels on the control unit will start displaying that the number of votes recorded in the machine for each contesting candidate is '0' (ZERO).



15.2 After the control unit has been set according to the number of contesting candidates at the election, the power should be switched off and the control unit and the ballot unit(s) should be delinked by removing the interconnecting cable from the control unit.

### **SEALING THE 'CANDIDATE SET SECTION'**

16.1 After the battery has been installed in the 'Candidate Set Section' and the control unit has been set according to the number of contesting candidates, the 'Candidate Set Section' should be closed and sealed so that no body can have access to the battery and the 'Cand Set' button in the 'Candidate Set Section' thereafter.

16.2 The 'Candidate Set Section' shall be closed by replacing the cover and pressing it tight. It should be sealed by passing a thread through the two holes provided for the purposes on the left side, giving a tight knot to the thread and placing the two ends of the thread on an address tag which should be sealed with the Returning Officer's seal. The address tag shall contain the following particulars :-

'Election to the .....  
From..... constituency  
Control Unit No. ....  
Serial No. and name of polling stations where used .....  
Date of poll .....,

16.3 The candidates and their agents shall be allowed to put their seals, if they so desire, on the address tag alongwith the seal of the Returning Officer. The control unit should then be put in its carrying case which will now be ready for transportation to the polling station. On the handle of the control unit also, an address tag should be attached containing the above particulars.

### **RANDOM CHECKING OF VOTING MACHINES**

17.1 In accordance with the instructions in para 3 above, you must have already got each and every machine tested thoroughly with the help of the technicians of the manufacturing company to ensure 100% error free functioning of each machine at the time of poll. You should, however, get 5% of the machines to be used at the election, subject to a minimum of 10 machines, tested and checked at random for their 100% error free performance after the machines have been prepared in the manner described in the foregoing paragraphs. For this purposes, you may ask the candidates and their agents present to choose the machines which may be tested for such random check. In case any candidate or his agent insists on checking a large number of machines/all machines, his request should, in the interest of transparency, be acceded to even though it will take more time to do so.

17.2 For conducting the above random test and check, you should hold a mock poll on those machines by casting a few votes at random for each of the contesting candidates. Detailed instructions as to how the machines should be operated for holding the mock poll are given in para 15 of Chapter XIII. These instructions should be meticulously followed.

17.3 After the conduct of the mock poll, the machines should be cleared of the data recorded at the mock poll and all counts should again be put to ZERO in all the machines used for the mock poll.

### **SAFE PRESERVATION OF PREPARED VOTING MACHINES**

18.1 All the voting machines which have been prepared for use at the election, including the reserve machines, should be kept and preserved in safe custody in a strong room under double lock which should be sealed with the seal of the Returning Officer. The candidates and their agents may also be permitted to put their seals on the lock if they so desire.

18.2 The strong room should be opened only on the appointed date and time when the machines are to be supplied to polling parties before they leave for their polling stations. All contesting candidates or their election agents should be given a prior notice in writing of such date and time of opening of the strong room. A proper log book should be maintained giving details of closing and opening of the strong room.

18.3 If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, you should send for the candidate or their authorised representative and open the room in their presence. The room should be again closed and sealed immediately after the purpose for which it was opened is over. Details of such opening and closing should also be accurately and fully reflected in the above mentioned log book and the entire process videographed.

18.4 The strong room should be kept fully guarded at all times under the charge of a senior police officer not below the rank of Deputy Superintendent of Police. Wherever possible, the central police forces should be used for such guard duty.

### **MAINTENANCE OF RECORDS OF VOTING MACHINES**

19.1 You should maintain complete record of all the control units and ballot units used at the election. That record should show clearly the number of control units and ballot units used at each polling station alongwith the serial numbers of each such unit. The record should also show the number of control units and ballot units along with their serial numbers which have been prepared for use and kept in reserve. If any of such control units or ballot units is put to use, a complete record as to where each such unit was used should be properly maintained and it should show also the reasons for which the use of such reserve unit became necessary. EVMS USED FOR TRAINING AND DEMONSTRATION PURPOSES ARE NOT TO BE USED FOR TAKING POLL ON THE POLL DAY.

19.2 For the above purpose of maintenance of complete record of the voting machines, a master register should be kept containing the following particulars :-

- i. The total number of control units in the stock of the Returning Officer;
- ii. The total number of ballot units in such stock;
- iii. The total number of polling stations in the constituency;
- iv. The total number of control units required for use at the polling stations (total number of polling stations multiplied by one);
- v. The total number of ballot units required for use at the polling stations (Total number of polling stations multiplied by number of ballot units to be used at each polling stations);
- vi. Total number of control units in reserve stock;
- vii. Total number of ballot units in reserve stock;
- viii. Number and name of each polling station in the constituency;
- ix. Against such number and name of the polling station serial number of the control unit put to use at that polling station;
- x. Serial numbers of ballot units put to use at that polling station;

- xi. Serial number of the ballot paper fixed on each ballot unit;
- xii. Serial number of each control unit and ballot unit kept in reserve stock.

19.3 In the above register, a 'Remarks' column should be provided against the number and name of each polling station for the indication whether any control unit or ballot unit has been used at that polling station from out of the reserve stock and if so for what reason.

### **SUPPLY OF VOTING MACHINES TO POLLING PARTIES**

20.1 The voting machines should be supplied only to the Presiding Officer of the polling station against a proper receipt to be obtained from each Presiding Officer. For this purpose, you should keep a separate register showing the number and name of the polling stations, the name of the Presiding Officer and serial numbers of control unit and ballot unit(s) supplied to him and his full signature in token of having received the same.

20.2 That register should have further provision for keeping proper account of the machines received back from the Presiding Officers. The officer who receives the machines back after the poll from the Presiding Officer should clearly note down the serial numbers of the control unit and ballot unit(s) so received back and should append his full signature in token of having received those units back.

20.3 If any machine is received back in a damaged condition, full record of each such machine should be maintained.

20.4 The reserve machines should be kept at a central place or places in the constituency on the day of poll so that the same may be supplied with least possible delay to any polling station where an emergent need arises for replacement of any control unit or ballot unit(s). These machines should be kept under the charge of one of the Assistant Returning Officers or some other senior officer specifically nominated for the purpose by you.

### **POLLING MATERIALS REQUIRED FOR VOTING MACHINES**

21. A list of various items of polling materials which will be required for use at a polling stations where voting machines are used is given in **Annexure XII**. It will be seen from that list that there are some items which are not used at a polling station where the conventional method of voting by means of ballot papers and ballot boxes is followed. The important items of such materials are mentioned below.

### **REGISTER OF VOTERS**

22.1 Under rule 49L (1) of the Conduct of Elections Rules, 1961, there shall be a Register of Voters at every polling station. The form of that Register has been prescribed in Form 17A appended to the said Rules. The Presiding Officer has to record in that Register the electoral roll serial number of the elector as entered in the marked copy of the electoral roll and has also to obtain the signature or thumb impression of the elector on that Register. This Register is in fact the substitute for the counterfoil of the ballot paper which is used in the conventional system of voting.

22.2 This Register of Voters should be in a book form and should be printed on good quality paper of A4 size. Each Register should have a cover page containing the following particulars :-

1[FORM 17A  
(See rule 49L)  
**Register of Voters**

Election to the House of the People/Legislative Assembly of the State/Union territory ..... from ..... Constituency. No. and Name of Polling Station.....

Part No. of Electoral Roll.....

Sl.No	Sl. No of elector in the electoral roll	Signature/Thumb impression of elector	@	Remarks
1.				
2.				
3.				
4.				
etc.				

@ here fill up details of the identification document used by the voter e.g last four digits of EPIC etc.

Signature of the Presiding Officer.

22.3 On each page of the Register, there should be provision for recording the electoral roll serial numbers and obtaining of signatures/thumb impressions of ten electors.

22.4 Both sides of the paper should be used for printing the Register .

22.5 The Register should be got bound in advance in two sizes, namely, (1) Containing 25 sheets and (2) containing 50 sheets. The Register containing 25 sheets will have provision for recording electoral roll numbers and obtaining signatures of 500 electors and the other with 50 sheets will have similar provision for 1000 electors. Each page of the Register shall be machine numbered. Each polling party will be supplied one or more of such Registers depending upon the number of voters assigned to the polling station.

22.6 You should get the above Registers printed in sufficient quantity well in advance.

## VOTERS' SLIPS

23.1 The record of every elector who comes to vote at a polling station and is allowed to vote shall be maintained in the above-mentioned Register of voters. The first column in that Register will show

the order in which the electors have been identified and allowed to vote after putting their signatures/thumb impressions on that register. It is absolutely essential that they record their votes in the voting machine exactly in the same sequence in which they have been entered in the Register of Voters. In order to ensure this, each elector after he has put signature/thumb impression

on the Register of Voters should be given a voter's slip by the Polling Officer in-charge of the Register of Voters.

23.2 The slip should contain the following particulars :-

### VOTER'S SLIP

Serial number of elector as per column 1 of the Register of Voters .....

Serial number of elector as entered in the electoral roll .....

Initials of Polling Officer .....

23.3 The elector will go to the Presiding Officer or Polling Officer incharge of the control unit of the voting machines with these Voters' Slip and the latter will allow him to vote in the same serial order as in the Register of Voters on the basis of that slip.

23.4 These voters' slips should be got printed in sufficient quantity well in advance on a paper of half the dimension of a post card. These slips should also be got stitched into bundles of 50 slips and 100 slips and should be supplied to the polling parties having regard to the number of electors assigned to the polling station.

### **ADDRESS TAGS**

24.1 You must have observed that two types of address tags have been prescribed by the Commission - one for use on Control Units and the other for use on Ballot Units. You should get these address tags printed in sufficient quantity well in advance for use at the time of preparation of the machines at your level and for use at the polling stations, the details whereof are given in following chapter.

24.2 Address tags should have a hole on the left hand side and this hole should be covered with a metal ring so that the thread passing through may not tear off the address tag easily.

### **SPECIAL TAG**

25.1 The Commission has prescribed a special tag to seal the inner door of the Result Section of the control unit. The Chief Electoral Officer will get the Special tag prepared at the Government Press and supply them to you. High quality twine thread should also be supplied to the Presiding Officers for sealing with the Special tag.

25.2 Specifications of the Special tag are given below:-

(i) Size of Special Tag

For ECIL machines : 7 cms x 5.5 cms

For BEL machines : 7.5 cms x 5.5 cms

Each special tag must have a specific serial number printed upon it.

(ii) Thickness of Tag: Post-card thickness

(iii) There shall be a hole with a metal ring to pass thread for sealing on the right corner of front side. Further, on the right hand side, a groove will be cut in the tag to fit with the door knob of Result compartment.

(iv) There shall be an opening in the middle so that when this Tag is fixed in the "CLOSE" button compartment of the Result Section, the "CLOSE" button should be visible so that button can be reached to operate it without disturbing the Tag.

## **CHAPTER XIII**

### **THE POLL**

#### **INTRODUCTORY**

1.1 Poll is the most important event in the election process. In a democracy, it is through the poll that the electors express their choice of the candidate to represent them. Any irregularity in the conduct of poll may vitiate the election and, therefore, you should ensure that the poll is conducted strictly in accordance with the law and the prescribed procedure.

1.2 If the operation of taking the poll has been planned properly and necessary arrangements made in advance according to the plan, the poll should normally proceed smoothly all over the constituency.

#### **LEGAL PROVISIONS**

2. The legal provisions for the conduct of poll in a Parliamentary or Assembly Constituency where voting machines are to be used are contained in sections 56 to 62, particularly Section 61A, of the Representation of the People Act, 1951 and Rules 49A to 49X of the Conduct of the Elections Rules, 1961 as inserted by the Conduct of the Elections (Amendment) Rules, 1992 (**Annexure-I**). You should familiarise yourself fully with these legal provisions.

#### **POLLING STATIONS**

3. Poll will be taken at the polling stations located at different places spread all over the constituency. For this purpose, the polling stations must have already been set up by the District Election Officer with the prior approval of the Election Commission and in accordance with its instructions contained in Chapter II. You should ensure well in advance of the date of poll that all arrangements for the setting up of polling stations at the places approved by the Commission have been made. It should also be ensured that the copies of the lists of the polling stations have been supplied to all contesting candidates. It should be noted that no changes can be made in the buildings or location of any polling station without the prior approval of the Commission.

#### **POLLING PARTIES**

4.1 Polling parties for taking the poll at the above polling stations have also to be appointed by the District Election Officer. It is your duty to ensure well in advance that such appointments have been made by the District Election Officer in accordance with the instructions contained in Chapter II and the appointment orders have been served on each of the polling personnel so appointed. 4.2 As the voting machines are going to be used in your constituency and as it is likely that many of the polling personnel may not have the experience of conducting the poll by means of these machines, intensive hands-on training should be given to them, particularly the Presiding Officers and the senior Polling Officers, who have been designated to act as Presiding Officer in case of the former's absence, in the operation of these machines. Similar training should also be imparted to Sector/Zonal magistrates.

#### **POLLING MATERIALS**

5. You must ensure that all the polling parties have been supplied with necessary polling materials, including the voting machines. A standard list of polling materials is given in **Annexure XII**. The Presiding Officers must be instructed to take utmost care of the safety and security of the voting machines and they should be warned that they will be held personally responsible for any damage to the machine on account of their negligence. To facilitate the work at the dispatch centre as well as to ensure that all the required forms (statutory and non-statutory) and envelopes are supplied to the polling parties, the forms and envelopes may be printed on green

and yellow papers. While green paper may be used to print the statutory forms and envelopes, yellow paper may be used to print the other forms and envelopes. All the forms of a group should be bunched together and stitched. They should also be pre-perforated to make them easily detachable so that after properly filling up the forms, the Presiding Officer can put them in the relevant envelopes without delay

## **LAW & ORDER AND FREE & FAIR ELECTIONS**

6.1 You must ensure, in consultation with the authorities concerned, that proper law and order is maintained in and around the polling stations so that free and fair poll takes place. Adequate measures should be taken to provide full security to the polling personnel, the voting machines and other election materials till the polling parties reach the collection/counting centres after the close of poll.

6.2 You must have ensured that all standing instructions and directions of the Commission aimed at achieving a peaceful atmosphere in the constituency on the date of poll, like, the identification of sensitive areas/polling stations and taking special preventive and security measures to avoid any untoward incident in those areas/polling stations.

6.3 Past election results of the constituency available in Form 20 for the polling stations where the percentage of poll recorded is more than 75% and where more than 75% of votes have been recorded in favour of one candidate shall be identified as critical polling stations. Similarly, the polling stations that went for repoll during the previous election due to electoral malpractices or witnessing any sort of violence should also be identified. For these polling stations, deployment of CPF and installation of digital cameras will be a must and a list of such polling stations shall also be given to the Commanding/Assistant Commanding Officer of the CPF to enable them to keep an eye on such polling stations.

6.4 The district election administration/police administration shall ensure that all political functionaries/party functionaries who have been brought from outside the constituency and who are not voters of the constituency leave the constituency immediately after the campaign is over as their continued presence may undermine the atmosphere for free and fair poll.

6.5 You have to ensure that instructions relating to restrictions on the plying of vehicles on the day of poll, prohibition of sales of liquor during a specified period including the day of poll and counting, deposit of fire arms by the licensed arms holders, unearthing of the unlicensed arms and weapons, declaration of day of poll as a holiday in the constituency, have been strictly followed and fully complied with by the authorities concerned. Copies of such standing instructions/directions are contained in a separate compilation, published by the Commission titled "Compendium of Instruction on Conduct of Elections". Study the latest edition of the compilation of those instructions and directions carefully for ensuring their strict compliance. Strict vigil should be kept over the movement of undesirable elements and vehicles. Wherever possible, Central Police Forces should be deployed in sensitive areas and the Central Government/Central Government Public Sector employees should be chosen to man the polling stations in those areas.

## **ARRIVAL OF POLLING PARTIES AT POLLING STATIONS**

7.1 It should be ensured that each polling party reaches its assigned polling station on the day previous to the day of poll. The polling party should set up the polling station properly. The voting compartment should in particular be set up in such corner of the room that the voter is able to record his vote in that compartment in complete secrecy (*it should not be placed before a window*). A model lay out of the polling station for a single election is given in **Annexure XXIX-A**. For a simultaneous election, the layout is given at **Annexure XXIX-B**.

7.2 The distance between the voting compartment where the ballot unit(s) will be kept and the table of the Presiding Officer on which the control unit of the voting machine will be placed should not exceed 3 metres as the length of the interconnecting cable is 5 metres. *It should also be ensured that the entire length of the cable remains visible to the polling agents throughout the poll.*

7.3 On the day of poll, each member of polling party must take his seat in the polling station at least one hour before the time fixed for the commencement of poll.

7.4 The voting machine should be set up in the polling station not earlier than one hour before the time fixed for commencement of poll. It should not be left in the polling station on the night previous to the day of poll in any circumstance. If the Presiding Officer is staying in the polling station during that night, there is no objection if the Electronic Voting Machine is kept by him under his safe custody in the polling station. It must, however, be ensured that the Electronic Voting Machines are kept under adequate security at the polling stations at all times. **CAUTION :-It is relevant to note that unnecessary fiddling with the machines can drain out the batteries and create doubts in the minds of candidates/electors**

## **DUTIES OF PRESIDING OFFICERS AND POLLING OFFICERS**

8.1 Normally, the Presiding Officer with the assistance of two polling officers will be able to conduct the poll in an orderly manner with the help of the voting machine. In such a case, the Presiding Officer will himself be incharge of the Control Unit. However if it is considered that the Presiding Officer may not be able to give undivided attention to the control unit because he has to deal with several other matters, like, inquiries into challenged votes, completion of formalities with regard to assistance to blind or physically infirm electors, issue of tendered ballot papers, etc, the charge of the control unit may be given to a senior polling officer. In such a case, one polling party will consist of *four* polling officers, in addition to the Presiding Officer.

8.2 The details of duties to be performed by the Presiding Officer and each polling officer are given in the Handbook for Presiding Officers (of polling stations where Electronic Voting Machines are used) which has been brought out by the Commission as a separate compendium. The broad distribution of the duties among the three polling officers will be as follows. The First Polling Officer will be incharge of identification of electors and the marked copy of the electoral roll. The Second Polling Officer will be responsible for application of indelible ink on the elector's left forefinger and maintenance of the Register of Voters (Form 17A). The Third Polling Officer will be incharge of the control unit of the voting machine. Where the number of voters assigned to a polling station is small, the duties of the Third Polling Officer can be performed by the Presiding Officer himself.

8.3 It may again be emphasised that intensive hands-on training should be given to the Presiding Officers and the polling officers so that they are fully conversant with their duties.

## **SEATING ARRANGEMENTS FOR PRESIDING OFFICER AND POLLING OFFICERS**

9. Inside the polling station, the Presiding Officer should sit in such a place from where he can watch all the proceedings in the polling station. The polling officers should be so seated that an elector after entering into the polling station straightway proceeds to the First Polling Officer who is incharge of identification of electors and the marked copy of electoral roll, and from him to other Polling Officers

in a systematic manner. No criss-cross movement of electors should be permitted.

## **ARRIVAL OF POLLING AGENTS**

10.1 *As per Commission's recent instructions, only a person residing in the polling area of the polling station can be appointed as a polling agent. This should be brought to the notice of the*



*candidates in advance through written communications to avoid any controversy.* Each contesting candidate or his election agent should be specifically instructed that his polling agents should reach the polling station at least an hour before the time fixed for the commencement of poll. It is so because during this one hour's time, the Presiding Officer will make necessary preparations on the voting machine, particularly the control unit, and will also conduct the mock poll for the satisfaction of the polling agents.

10.2 All polling agents must display their Identity Card prominently on their person on the day of the poll for easy and quick identification. Presiding Officers should, in no circumstances, allow the replacement of any polling agent by his relieving agent two hours before the end of the poll.

## **SEATING ARRANGEMENTS FOR POLLING AGENTS**

11.1 Suitable seating arrangements should be made for polling agents when they attend the poll. Their seats should be so provided that they have adequate opportunity to identify the electors, see the entire operation at the Presiding Officer's or the Third Polling Officer's table where the control unit is kept, and also see the movement of the elector from the Presiding Officer's or the Third Polling Officer's table to the voting compartment and the elector's exit after he has recorded his vote on the ballot unit kept inside the voting compartment.

11.2 According to the latest instructions of the Commission, the seating arrangement at the polling station for the polling agents of candidates shall be guided by the following categories of priorities, namely, (i) candidates of recognised National parties, (ii) candidates of recognised State parties, (iii) candidates of recognised State parties who have been permitted to use their reserved symbols in the constituency, (iv) candidate of registered unrecognised parties, and (v) independent candidates.

## **PREPARATIONS ON THE VOTING MACHINE BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF POLL**

12. Before a voting machine is put in actual use at the polling station some further preparations, in addition to the preparations made at the Returning Officer's level mentioned in the preceding Chapter, are necessary. These preparations have to be done by the Presiding Officer at the polling station in the presence of the candidates/their agents. The Presiding Officer should start the preparations about an hour before the time fixed for the commencement of the poll. If any polling agent is not present, the preparations by the Presiding Officer will not be postponed so as to await the arrival of the polling agent. Nor will he start the preparations again if any polling agent turns up late.

## **PREPARATIONS ON THE BALLOT UNIT**

13.1 The ballot unit is already duly prepared in all respects at the Returning Officer's level and no further preparation of this unit is required at the polling station on the day of poll, except that its interconnecting cable has to be plugged carefully into the control unit.

13.2 Where, however, more ballot units than one are to be used at a polling station, these ballot units have to be interconnected in the correct sequential order as explained in para 11 of Chapter XII. In such a case, only the first ballot unit will be connected with the control unit.

13.3 The Presiding Officer should also check that —

- i. the ballot paper is properly fixed in the ballot display panel under the ballot paper screen; and

ii. the two seals put by the Returning Officer at the top and bottom portion on the right hand side of the ballot unit are intact.

iii. the cable connecting the ballot unit to the control unit should be visible to be polling agents throughout its entire length.

## **PREPARATION ON THE CONTROL UNIT**

14.1 The Presiding Officer should first check that the seal put by the Returning Officer on the 'Candidate Set Section' on the left side of the control unit is intact.

14.2 The following preparations are then to be made by him on the control unit:-

- i. Connecting the control unit with the ballot unit or the first ballot unit where more ballot units than one are used and interconnecting those other ballot units;
- ii. Switching the 'Power' switch to 'ON' position;
- iii. Closing the rear compartment after performing the functions at (i) and (ii) above;
- iv. Conducting the mock poll;
- v. Switching the 'Power' switch to 'OFF' position;
- vi. Fixing the green paper seal(s) to secure the inner compartment of the Result Section; and
- vii. Closing and sealing the inner compartment of the 'Result Section' with the Special Tag;
- viii. Closing and sealing the outer cover of the 'Result Section'; and
- ix. Sealing the control unit with the Outer Strip seal.

14.3 He should plug the interconnecting cable of the ballot unit or the first ballot unit where more ballot units than one are used into the socket provided for the purpose in the rear compartment of the control unit. The 'Power' switch provided in the same compartment of the control unit should then be put to 'ON' position, whereupon there will be a beep sound and the 'ON' lamp on the display section of the control unit will glow green.

14.4 The rear compartment should then be closed. To keep it firmly closed, a piece of thin wire may be run through the two holes provided for the purpose and the ends of the wire may be given a few twists. It may be noted that the rear compartment is not to be sealed as it will require to be opened again after the close of poll for switching off the 'Power' and disconnecting the ballot unit(s).

## **CONDUCTING THE MOCK POLL**

15.1 Before commencing the poll, the Presiding Officer has to satisfy not only himself but all polling agents present that the voting machine is in perfect working order and that no votes have already been recorded in the machine. For such satisfaction, he should first show to all present that all counts have been set to ZERO by pressing the 'Clear' button in the Result Section of the control unit. On pressing this button, the display panels will show that the number of votes recorded for each candidate is ZERO.

15.2 He should then conduct a mock poll by recording a few votes at random for each of the contesting candidates. These votes may be recorded by asking the polling agents to press any of

the candidates buttons on the ballot unit according to their own choice. A careful note should however be kept of the votes so recorded so that the votes so recorded can be tallied with the votes recorded by the machine when the result is ascertained at the completion of the mock poll. The result of the mock poll can be ascertained by pressing the button marked 'Result 1' in the Result Section of the control unit. On that button being pressed, the display panels will show the number of votes recorded for each candidate sequentially beginning with the contesting candidate number 1. After the result has been ascertained and tallied, the machine should again be cleared and all counts should be set to ZERO by pressing the 'Clear' button.

15.3 The detailed instructions as to the operations on the voting machine for conducting the mock poll are given in Chapter 4 of the 'Electronic Voting Machine Manual' brought out by the manufacturing company. These instructions should be carefully studied and meticulously followed because these very instructions will apply when the actual poll is taken.

## **MOCK POLL CERTIFICATE**

16.1 Immediately after conducting the mock poll , the Presiding Officer will sign a mock poll certificate prepared in the following format :-

### **Mock Poll Certificate**

This is certified that I.....Presiding Officer at the Polling Station No.....of .....Assembly Constituency(or the .....Assembly segment under.....Parliamentary Constituency) conducted the mock poll at ----AM today, the poll day i.e.....following the instructions issued by the Election Commission of India.

A total of .....votes were polled in the mock poll and after the mock poll I have carefully cleared the memory and the total votes polled showed '0' after clearing the memory.

A. At the time of mock poll, the following of polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.

B. At the time of mock poll, the agent of only one contesting candidate was present. After waiting for ten more minutes I conducted the mock poll along with other polling staff at..... I have mentioned the name of the agent present at the time of mock poll including the name of the candidate whom he represented.

(In case, no agent was present it shall be mentioned "No Polling agent was present at the time of mock poll)

Name of the agent	Name of the candidate	Signature of the agent
-------------------	-----------------------	------------------------

Date:  
Time:

Name & Signature  
of the Presiding Officer

16.2 The Returning Officer through the Sector Officers and using the communication link with the polling station/mobile teams shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes. Non-confirmation of mock poll could be indicative of some problem on the part of presiding officer or the EVM needing immediate intervention of the RO

16.3 After the completion of poll on the basis of mock poll certifications received from the Presiding Officers, the Returning Officer shall prepare a list of such polling stations where the mock poll had to be conducted in the absence of agents or where at the time of mock poll the agents of more than one rival candidates of recognized parties were not present and special attention shall be paid to the documents received from such polling stations for proper scrutiny. The Observers shall also pay their attention to this aspect.

### **FIXING GREEN PAPER SEAL IN THE CONTROL UNIT**

17.1 In the conventional system of voting where ballot papers and ballot boxes are used, the ballot boxes are sealed and secured by fixing a green paper seal specially got printed by the Commission. Once the green paper seal is fixed in a ballot box and the lid of the box is closed, the box cannot be opened and the ballot papers contained therein cannot be tampered with or taken out for counting unless the green paper seal is torn. Similar safeguard has been provided in the voting machine so that once the poll commences, nobody should be able to tamper with the voting machine. To achieve and ensure this, provision has been made for fixing the same green paper seal which is used for securing a ballot box, in the control unit of the voting machine.

17.2 There is a frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the Result Section of the control unit. (In the case of voting machines manufactured by Bharat Electronics Limited, the said frame provides for fixing two paper seals and accordingly two paper seals are to be used in the control units of the voting machines manufactured by that company.) The seal should be so fixed that its green surface is seen through the aperture from the outer side.

17.3 It should be ensured that no damaged paper seal is used in any case and if any paper seal gets damaged in the process of fixing, it should be replaced then and there before the door of the inner compartment is closed. Damaged paper seal should not be thrown as damaged paper seals are also to be kept in a sealed envelope.

17.4 Before a paper seal is used, the Presiding Officer should affix his signature in full immediately below the serial number of the paper seal. It shall be got signed by such of the candidates or their polling agents as are present and are desirous of affixing their signatures. The Presiding Officer should verify that the signatures of the polling agents on the paper seal tally with their signatures on their letters of appointment. After fixing the paper seal, the door of the inner compartment should be closed by being pressed fit. It should be closed in such a manner that the two open ends of the paper seal project outwards from the sides of the inner compartment.

17.5 After the Green Paper Seal has been fixed and secured, and signed by the Presiding Officer and the polling stations, the door of the inner compartment over the "Clear" Button and "Result" Buttons should be pressed fit and closed. Then the inner door should be sealed with the Special Tag. Before the Special Tag is used, the Presiding Officer will write the serial number of the Control Unit on the Special Tag.

17.6 After writing the serial number of the Control Unit on the Special Tag, the Presiding Officer will put his signature on the BACK SIDE of the Special Tag. He will ask the candidates/polling agents present in the polling station before the commencement of the poll to put their signatures on the back, if they so desire. He will also read out the pre-printed serial number on the Special Tag and ask the candidates/polling agents present to note down that serial number.

### **ACCOUNT OF PAPER SEALS**

18.1 The Presiding Officer should keep a correct account of the green paper seals supplied to him for use at the polling station and the paper seals actually used by him for sealing and securing the control unit. Such account shall be maintained by him in the form specifically prescribed for the purpose vide Item 9 of Part I of Form 17C appended to the Conduct of Elections Rules, 1961.

18.2 The Presiding Officer should allow the candidates or their polling agents present to note down the serial numbers of paper seals so supplied for use and actually used.

### **CLOSING AND SEALING OF RESULT SECTION OF CONTROL UNIT**

19.1 After the inner compartment of Result Section of the control unit has been closed and sealed, the outer cover of the Result Section should be pressed fit for closing that Section. Before pressing the outer cover, the open ends of the green paper seal(s) will protrude from either side of the outer cover for securing the Outer Strip Seal.

19.2 After the outer cover has been closed, the Result Section should be sealed by (i) passing a thread through the two holes provided for the purpose on the left side of the outer cover, (ii) putting a thread seal with the seal of the Presiding Officer, and (iii) attaching a label (address tag) similar to the one which is attached to the Candidate Set Section at the Returning Officer's level (see paragraph 16.2 of Chapter XII). The candidates or their polling agents should also be permitted to affix their signature/ seals, if they so desire, on the address tag alongwith the seal of the Presiding Officer.

19.3 NEXT, THE RESULT SECTION SHOULD BE SEALED FROM OUTSIDE COMPLETELY WITH THE OUTER STRIP SEAL SO THAT THIS SECTION CANNOT BE OPENED WITHOUT DAMAGING THE STRIP SEAL. THE STRIP SEAL SHALL BE POSITIONED CAREFULLY JUST BELOW THE "CLOSE" BUTTON IN SUCH A WAY THAT IF CAP OF CLOSE BUTTON IS TAKEN OUT, THE STRIP SEAL IS NOT TORN. THE DETAILED PROCEDURE TO FIX THE OUTER STRIP SEAL IS GIVEN IN THE **ANNEXURE XXVIII-B**.

### **VOTING MACHINE READY FOR ACTUAL POLL**

20.1 The voting machine is now ready in all respects for use in actual poll.

20.2 Before commencing the poll, the Presiding Officer should place the ballot unit(s) inside the voting compartment. As already instructed, the voting compartment should be located at the appropriate distance from the table of the Presiding Officer where the control unit shall be kept and operated. The interconnecting cable between the ballot unit and the control unit has length of approximately 5 metres. Therefore, the voting compartment should be placed at a reasonable distance. Also, the cable should be so routed that it does not obstruct the movement of voters inside the polling station and they do not tread or trip over it. While placing the EVM in voting compartment, it must be ensured without fail, that secrecy of voting is not violated.

### **DEMONSTRATION OF MARKED COPY OF ELECTORAL ROLL AND REGISTER OF VOTERS**

21.1 Before commencing the poll, the Presiding Officer should demonstrate to the candidates and polling agents present that the marked copy of the electoral roll to be used at the polling station does not contain any entry or mark other than those made in pursuance of rule 20(2) (b) or rule 23(2) (b) of the Conduct of Elections Rules, 1961 to show that the Postal Ballot Paper or Election Duty Certificate has been issued to any elector. He should also show them the list of CSVs who have appointed proxies as per the list annexed to the electoral roll.

21.2 Likewise, he should also demonstrate to them the Register of Voters (Form 17A) to show that the register is blank and no entry in respect of any elector has already been made therein.

## **DECLARATION BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF THE POLL**

22. In order to ensure that the Presiding Officer has duly carried out the foregoing instructions about the demonstration of the marked copy of the electoral roll and the Register of Voters and obtaining the signatures of the candidates/polling agents on the green paper seal and allowing them to note down their serial numbers, which are necessary safeguards for ensuring free and fair election, he is required to read out a declaration prescribed by the Commission in **Annexure XXX** before the commencement of the poll. The Presiding Officer should read out the declaration aloud to the hearing of all person present in the polling station and sign the declaration. He should also obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. If any polling agent declines to affix his signature on the declaration, the Presiding Officer should record the name of such polling agent in that declaration.

## **WARNING ABOUT SECRECY OF VOTING**

23 . Before commencing the poll, the Presiding Officer should also explain to all present the provisions of section 128 of the Representation of the People Act, 1951 regarding their duty to maintain the secrecy of the vote and warn them of the penalty for any breach thereof.

## **COMMENCEMENT OF THE POLL**

24. The Presiding Officer should commence the poll at the stroke of the hour fixed for the purpose. He must complete all formalities before the said hour. If for any unforeseen or compelling reason he is not in a position to commence the poll at the appointed hour, he has no authority to extend the polling hours and the poll must close at the appointed closing time, except that the electors who are present at the polling station premise at the closing time shall be allowed to vote even if polling continues for some more time.

## **PERSONS TO BE ADMITTED INSIDE THE POLLING STATION**

25.1 The Presiding Officer should admit into the polling station only the following persons:-

- a) the electors;
- b) polling officers;
- c) each candidate, his election agent and one polling agent of each candidate at a time;
- d) persons authorised by the Commission;
- e) public servants on duty;
- f) a child in arms accompanying an elector;
- g) a person accompanying a blind or an infirm voter who cannot move or vote without help; and
- h) such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting him in taking the poll.

25.2 The Returning Officers have been asked to issue identity cards to the contesting candidates bearing their photographs. In case necessity arises, the Presiding Officer may ask for its production.

Similarly, the election agents of the candidates can be asked to produce their identity cards, i.e. the attested duplicate copy of their appointment letter. The attestation is made by the Returning Officer.

25.3 It should be noted that the expression 'public servants on duty' does not include Ministers, State Ministers and Deputy Ministers of Centre and States. According to the instructions of the Commission, they cannot be allowed to be appointed even as election agents or polling agents, as they have to be escorted by their security guards who cannot be allowed entry into the polling station. For the same reason, no person having security cover can be appointed Election/Polling /Counting Agent

25.4 The above expression 'public servant on duty' also does not normally include police officers. Such officers whether in uniform or in plain clothes should not as a general rule be allowed to enter into a polling station, unless the Presiding Officer decides to call them inside in unavoidable circumstances for the maintenance of law and order or some similar purpose. 24.5 No security personnel accompanying any candidate, or any agent or any elector should be permitted to enter the polling station.

## **REGULATION OF ENTRY OF VOTERS**

26. There should be separate queues for men and women voters. The persons who enforce the queues will allow three or four voters into the polling station at a time as the Presiding Officer may direct. Other voters waiting to come in should be made to stand in queue outside. Infirm voters and women voters with babies in arms may be given precedence over other voters in the queue. Men and women voters should be admitted into the polling station in alternate batches. The formation of more than one queue for men voters or for women voters should not be allowed.

## **FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS**

27. Subject to the maintenance of peace and order, there is no objection to any photographer taking photographs of a crowd of voters lining up outside the polling station. However, no one including the publicity officials of the State Government should be allowed inside a polling station without a letter of authority from the Election Commission. In no circumstances, will any photograph be allowed to be taken of a voter recording his vote.

## **IDENTIFICATION OF ELECTORS**

28.1 The electors are required to produce the electoral photo identity card (EPIC) to establish their identity irrespective of the fact that the constituency may be having photo electoral rolls in place. Those electors who have not been issued with the identity card, or those of them who are unable to produce the identity card for reasons beyond their control, should produce one of the alternative documents of identification specifically permitted by the Commission. The Commission issues orders in this behalf at the time of every election. You must refer to the order issued by the Commission and bring it to the notice of all Presiding Officers during training and also the contesting candidates, political parties, etc. These orders should also be given wide publicity for the information of electors where the Commission has issued orders.. For compulsory identification of electors through EPIC or alternative identification documents, the polling officer in-charge of identification of must satisfy himself about the identity of the elector after examining the EPIC or the alternative documents, as the case may be, and in case of any doubt the elector should be directed to present himself before the Presiding Officer who should make a further probe to satisfy himself about the identity of the elector. The Presiding Officer should hand over the person to the police with a written complaint in case he is proved to be an impersonator

28.2 It may also be made clear that those who have been issued EPIC will be required to produce EPIC only and no other document to establish their identities. There may be some cases, where the photo roll to be used at the polling station may not contain the photo of a particular elector. Also there may be stray cases of photo mismatch. The production of EPIC or alternate documents with photographs will in such cases help the Presiding Officer to establish the identities of the electors concerned.

28.2 When an elector enters the polling station, his identity will be checked by the First Polling Officer with reference to the entries in the electoral roll pertaining to such elector. He will also check the Electors' Photo Identity Card (EPIC) of the elector if it has been issued to him or any other alternative document that has been prescribed by the Commission and which the elector may be carrying to establish the identity of the elector. It should be noted that for identification of the elector the Presiding Officer and his team of Polling Officers will only rely on the EPIC issued to the elector or in its absence the alternative documents prescribed by the Commission for the purpose and no other document. Though, sub-rule(1) of rule 49H permits a Presiding Officer to employ at the polling station such persons as he thinks fit to help in the identification of electors or to assist him otherwise in taking the poll, in view of the Commission's directions on use of EPIC for identification, the Presiding Officer should take recourse to the provisions of this rule only in cases where there are pardanshin women and the services of a local lady is required to identify such electors. Further, under sub-rule (2) of rule 49-G, the Returning Officer or the Presiding Officer may also appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors. Such woman attendant will also help the Presiding Officer in frisking any woman elector in case it becomes necessary.

28.3 Any village chowkidar/Revenue Officer or the like who may be employed as identifying Officer by the Presiding Officer should be normally posted outside the entrance of the polling station and should be admitted into the polling station only when he is required for the identification of a particular elector or for assisting the Presiding Officer for a particular purpose in connection with the taking of the poll.

## **CHALLENGED VOTES**

29.1 The polling agents can also challenge the identity of a person claiming to be a particular elector by depositing a sum of Rs.2 in cash with the Presiding Officer for each such challenge. The Presiding Officer shall hold a summary inquiry into the challenge. If after the inquiry the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote. If he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting and shall handover such person to the police with a written complaint. All such complaints to the Police should be vigorously pursued and prosecutions launched against the offenders so that they are convicted and suitably punished.

29.2 The Presiding Officer shall keep a record of such challenged votes in Form 14 appended to the Conduct of Elections Rules, 1961.

## **APPLICATION OF INDELIBLE INK**

30.1 Under Rule 49K, the left forefinger of every elector about whose identity the Presiding Officer or the concerned polling officer, as the case may be, is satisfied shall be marked with indelible ink. This should be done by the Second Polling Officer who is incharge of the Register of Voters (Form 17A).



30.2 The application of indelible ink is a vital safeguard against impersonation and to ensure that the same voter does not vote more than once. As per new procedure laid down by the Commission, the indelible ink is to be applied as a line from the top end of the nail to the bottom of the first joint of the left forefinger. If any elector refuses to allow his left forefinger to be inspected or marked with indelible ink or he has already such a mark on his left forefinger, or he does any act with a view to removing the ink mark, he shall not be allowed to vote.

30.3 Under the latest instructions of the Commission, the left forefinger of the voter should be marked with indelible ink soon after his identity is verified by the First Polling Officer but before his signature or thumb impression is obtained in the Register of Voters by the Second Polling Officer. The underlying purpose of this instruction is that there should be a sufficient time gap for the indelible ink to dry and leave a proper indelible mark on the voter's forefinger before he leaves the polling station. The Commission has also instructed that his forefinger should again be checked in order to verify that there is a clear indelible ink mark on the finger when he goes to third polling officer/ presiding officer. If the voter has wiped off the ink or there is no proper ink mark visible, his left forefinger should again be marked with indelible ink. This should be done by the Third Polling Officer in-charge of the control unit of the voting machine before he allows the elector to proceed to the voting compartment. The group 'D' official who is normally attached to a polling party as attendant can also be given this duty of checking the voter's left forefinger before his exit from the polling station.

#### **APPLICATION OF INDELIBLE INK WHEN ELECTOR HAS NO LEFT FOREFINGER**

31. If an elector has no left forefinger, then indelible ink should be applied on any such finger which he has on his left hand starting with his left forefinger. If he does not have any fingers on his left hand, the ink should be applied on his right forefinger and if he has no right forefinger, any other fingers which he has on his right hand starting with his right forefinger. If he has no fingers on either hands, ink should be applied on such extremity (stump) of his left or right hand as he possesses.

#### **RECORD OF ELECTORAL ROLL NUMBER OF ELECTOR IN REGISTER OF VOTERS**

32.1 Under rule 49-L, before an elector is permitted to record his vote in the voting machine, his electoral roll number as entered in the marked copy of the electoral roll shall be recorded in the Register of Voters (Form 17A). Instructions have been given in the previous chapter as to the manner of printing, binding and supply of Register of Voters to polling parties and the same should be meticulously followed.

32.2 Such record in the Register of Voters shall be maintained by the Second Polling Officer. When the First Polling Officer in-charge of the identification of voters reads aloud the serial number of the elector and is satisfied about the identity of an elector the Second Polling Officer should record this serial number in the Register of Voters and apply indelible ink on the elector's left forefinger. He will also note the name of the document used by the electors for his identification in the remarks column i.e. last column of the register alongwith the serial no. of the document. However, if such document is having a serial no. running into more than four digits, the polling officers can note down the last four digits of the serial no of the document i.e. EPIC or other alternate document.

32.3 In order to indicate that an elector has been allowed to vote and also to ensure that he does not turn up to vote again, the entry relating to his name in the marked copy of the electoral roll should also be underlined by the First Polling Officer. A tick mark (✓) should also be put on the left hand side of the name of elector if she is a female elector, as that will be helpful to the polling officer to count the number of women voters at the end of the poll for the purpose of the relevant statistics of voters to be mentioned in the Presiding Officer's diary.

### **SIGNATURE OF ELECTOR IN THE REGISTER OF VOTERS**

33. The signature or thumb impression of every elector must be obtained in the third column of the Register of Voters against the entry made in that register relating to him by the second polling officer. If any elector refuses to put his signature or his thumb impression on the Register of Voters, he shall not be allowed to vote. An entry shall be made in the Remarks column "Refused to sign".

### **MEANING OF SIGNATURE**

34. A signature may be described as the writing of a person's name on a document with the intention of authenticating that document. A literate person, while signing on the Register of Voters, will be required to write his name, i.e., both his name or names and his surname in full or in any case his surname in full or names either in full or by means of initials of that name or names. The preferable course in the case of a literate voter will be to request him to sign his name, i.e., both his name or names and his surname in full. If a literate person puts simply a mark and insists that mark should be taken as a signature while claiming to be a literate person, then that mark cannot be taken to be his signature because, as stated, signature means, in the case of a literate person, the writing of the name of that person by himself in authentication of a document on which he writes his name. In such a case, if he refuses to sign his name in full as indicated above, then his thumb impression should be taken. If he refuses to give his thumb impression also, then he shall not be allowed to vote.

### **MEANING OF THUMB IMPRESSION**

35. In conformity with rule 49K (4) of Conduct of Elections Rules, 1961, if the left thumb of the voter is missing, then the impression of the right thumb should be taken. If both thumbs are missing the impression of one of the fingers of the left hand starting from the forefinger should be taken. If there are no fingers on the left hand, the impression of one of the fingers of the right hand starting from the forefinger should be taken. If no fingers are available, the voter being unable to record his vote will necessarily have to seek assistance of a companion under rule 49N of the said rules. In that case the signature or thumb impression of the companion should be taken on the Register of Voters and in Form 14A (as explained below in paragraph 39).

### **ISSUE OF VOTERS' SLIPS**

36.1 After the electoral roll number of an elector has been entered in the Register of Voters and his signature/thumb impression obtained on that Register, the Second Polling Officer should prepare the voter's slip for that elector in the form prescribed vide paragraph 23 of Chapter XII.

36.2 The elector will go to the Presiding Officer or Polling Officer in-charge of the control unit of the voting machine with this voter's slip who will allow him to vote only on the basis of such voter's slip.

36.3 It is absolutely essential that the voters record their votes in the voting machine in exactly the same order in which they have been entered in the Registers of Voters. Presiding Officer or third polling officer in-charge of control unit should therefore, allow a voter to proceed to the voting compartment strictly according to the serial number mentioned in the voter's slip.

36.4 If due to any exceptional circumstance or unforeseen or unavoidable reason, it has not been possible to follow the exact serial order in respect of any elector, a suitable entry showing the exact serial number at which he has voted should be recorded in the remarks column of the Register of Voters against the person concerned. Similar entries should also be made in respect of the subsequent voters whose serial order has been disturbed thereby.

### **RECORDING OF VOTE BY ELECTOR IN THE VOTING COMPARTMENT**

37.1 After all procedural requirements relating to identification of a voter, application of indelible ink on his left forefinger, obtaining his signature/thumb impression on the Register of Voters and verification of the voter's slip by the Presiding Officer or polling officer in-charge of control unit have been completed, the voter concerned shall be directed to go to the voting compartment where the ballot unit(s) is/are kept for recording the vote. For that purpose, the 'Ballot' button on the control unit shall be pressed by the Presiding Officer or the third polling officer in-charge of that unit which would make the ballot unit kept in the voting compartment ready for recording his vote. On the 'Ballot' button being pressed, the 'Busy' lamp in the control unit will glow Red and simultaneously the 'Ready' lamp on the ballot unit in the voting compartment will also start glowing Green.

37.2 The voter will record his vote by pressing the button provided against the name and symbol of the candidate of his choice. When he presses that button, the lamp provided on the ballot unit against the name and symbol of that candidate will start glowing Red and green light on the ballot unit will go off. Also, a beep sound will be heard emitting out from the control unit. After a few seconds, the beep sound and the red light in the candidate's lamp on the ballot unit and the red light in the 'Busy' lamp on the control unit will also go off. These visual and audio signs are indicative of the fact that the voter inside the voting compartment has recorded his vote. He should forthwith come out of the voting compartment and leave the polling station.

37.3 The above procedure will be repeated every-time the next voter is to be allowed to record his vote. It should be ensured that only one voter goes at a time inside the voting compartment to vote. It should also be ensured that the ballot button on the control unit is pressed only when the earlier voter has come out of the voting compartment.

### **TALLYING OF NUMBER OF VOTES POLLED PERIODICALLY**

38. At any time, if the total number of votes polled upto that time has to be ascertained, the 'Total' button on the control unit should be pressed. The display panel on the control unit will then show the total number of votes polled by that time. This should be periodically done and tallied with the number of voters allowed to vote upto that time as reflected in the Register of Voters. In any event, the Presiding Officer must ascertain and tally the number of votes polled during every two hour interval and record the number of votes polled in the relevant columns in the Presiding Officer's diary.

### **MAINTENANCE OF SECRECY OF VOTING BY ELECTORS**

39.1 Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He should strictly observe the voting procedure mentioned above. If he refuses, after warning given by the Presiding Officer, to observe the voting procedure, the Presiding Officer or a polling officer under the direction of the Presiding Officer shall not allow such elector to vote. If the elector has already been issued the voter's slip. Such slip should be withdrawn from him and cancelled.

39.2 Where an elector is not allowed to vote for violating voting procedure, a remark to the effect that voting procedure has been violated shall be made in the remarks column in the Register of Voters (Form 17A) against the entry relating to that elector in that Register by the Presiding Officer. The Presiding Officer shall also put his full signature below that entry. It shall, however, not be necessary to make any change in the serial number of that elector or of any succeeding elector in column 1 of the Register of Voters.

#### **VOTING BY BLIND & INFIRM VOTERS AND PROXY VOTERS**

40.1 If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the symbol on the ballot unit or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit that elector under Rule 49N to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes.

40.2 The new model of EVMs procured in 2006-07 has a Braille signage on the extreme right side of the ballot unit indicating the serial number of the candidate. A dummy ballot paper showing the name of the candidates, their political affiliations and the serial numbers will be supplied to the polling stations depending on the requirement of the same felt by the Commission. In such cases, the Presiding Officer will, on the request of the visually handicapped voter, hand over to him the dummy ballot sheet to enable him to note down the serial number of the candidate of his choice so that he can cast the vote on his own with the help of Braille signage without depending on the companion. The dummy ballot paper will be returned to the Presiding Officer for subsequent use by similar visually handicapped voters. At the end of the poll the dummy ballot paper will be deposited with the collection center alongwith other polling materials.

40.2 No person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

39.3 Before any person is permitted to act as the companion of the elector, he shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day. The declaration shall be obtained by the Presiding Officer from the companion in the form prescribed by the Commission for the purpose vide **Annexure XXXI**.

40.4 The Presiding Officer shall also keep a record of all such cases in Form 14A.

40.5 THE PROXY WILL RECORD THE VOTE ON BEHALF OF THE CSVS AT THE POLLING STATION TO WHICH THE CSV IS ASSIGNED, IN THE SAME MANNER AS ANY OTHER ELECTOR ASSIGNED TO THAT POLLING STATION. IT MAY BE NOTED THAT IN THE CASE OF PROXY, MARKING OF THE INDELIBLE INK UNDER RULE 37 WILL BE DONE ON THE MIDDLE FINGER OF THE LEFT HAND OF THE PROXY. THE PROXY WILL BE ENTITLED TO VOTE ON BEHALF OF THE CSV IN ADDITION TO THE VOTE THAT HE MAY CAST IN HIS OWN NAME IF HE

IS A REGISTERED ELECTOR IN THE CONSTITUENCY, AT THE POLLING STATION TO WHICH HE HAS BEEN NORMALLY ASSIGNED. (See also Chapter X para 16 in this regard.)

## **ELECTORS DECIDING NOT TO VOTE**

41. If an elector, after his electoral roll number has been duly entered in the Register of Voters (Form 17A) and he has put his signature/thumb impression on that register, decides not to record his vote, he shall not be forced or compelled to record his vote. A remark to the effect that he has decided not to record his vote shall be made in the remarks column against the entry relating to him in the Register of Voters by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark under rule 49-O. It shall, however, not be necessary to make any change in the serial number of the elector or of the succeeding electors column 1 of the Register of Voters.

## **TENDERED VOTES**

42.1 If a person presents himself at the polling station and seeks to vote representing himself to be a particular elector after another person has already voted as such elector, the Presiding Officer shall satisfy himself about the identity of the elector concerned. If the Presiding Officer is satisfied about the identity of the elector on his satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, he shall allow the elector concerned to vote by means of a tendered ballot paper, but not through the voting machine.

42.2 Under rule 49P, a tendered ballot paper shall be of such design and particulars thereon shall be in such language or languages as the Election Commission may specify. The Election Commission has specified under that rule that the tendered ballot paper shall be of the same design as the ballot paper which shall be used for display on the ballot unit of the voting machine at the polling station. The words 'tendered ballot paper' will be stamped on its reverse side.

42.3 You should, therefore, provide to each polling station twenty ballot papers which you have got printed for use in the ballot units of voting machines to be used as tendered ballot papers. In case it becomes necessary to supply any additional ballot papers to any polling station for the above purpose, the same should be arranged to be supplied to the Presiding Officer of the polling station concerned on demand through the zonal officer in-charge of that polling station.

42.4 The Presiding Officer shall keep a correct account of all ballot papers (i) received by him for use as tendered ballot papers, (ii) issued as such to electors, and (iii) not used and returned to you, in Item 8 of Part I of Form 17C.

42.5 The Presiding Officer shall also maintain the record of the tendered ballot papers issued to electors in Form 17B. He shall also obtain the signature or thumb impression of the elector in column 5 of that Form before delivering a tendered ballot paper to him.

42.6 On receiving the tendered ballot paper, the elector concerned will mark his vote thereon in the voting compartment by placing a cross mark 'X' on or near the symbol of the candidate for whom he intends to vote. He should put the cross mark by means of the arrow cross mark rubber stamp which is used for marking ballot papers where the conventional system of ballot papers and ballot boxes is used.

42.7 If owing to blindness or physical infirmity such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take with him a companion in accordance with the procedure mentioned in para 39 above.

## **PRESIDING OFFICER'S ENTRY IN THE VOTING COMPARTMENT DURING POLL**

43.1 Sometimes, the Presiding Officer may have a suspicion or reason to suspect that the ballot unit kept in the screened voting compartment is not functioning properly or that an elector who has entered the voting compartment is tampering or otherwise interfering with the ballot unit

or has remained inside the voting compartment for unduly long period. The Presiding Officer has a right under rule 49Q to enter the voting compartment in such cases and to take such steps as may be considered necessary by him to ensure that the ballot unit is not tampered or interfered with in any way and that the poll progresses smoothly and in an orderly manner.

43.2 Whenever the Presiding Officer enters the voting compartment, he should permit the polling agents present to accompany him if they so desire.

#### **MAINTENANCE OF DIARY BY PRESIDING OFFICER**

44.1 The Presiding Officer of every polling station should be asked to maintain a diary in which he should record the proceedings connected with the poll in the polling station. The proforma of the diary to be maintained by the Presiding Officer is given at **Annexure XXXII**. He should be asked to go on recording the relevant events in the diary as and when they occur.

44.2 The Commission has directed that all Presiding Officers Diaries to be used at any election should be serially numbered and such serial numbers on those diaries should be given by numbering machines and not by hand. The Presiding Officers must record their observations in such machine numbered diaries and not in any other diary. Proper account must be maintained of every diary supplied to a Presiding Officer.

44.3 IT HAS BEEN OBSERVED IN MANY CASES THAT THE PRESIDING OFFICER DO NOT MAKE THE ENTRIES IN THE RELEVANT COLUMNS OF THE DIARY AT REGULAR INTERVALS OR FROM TIME TO TIME AS ENVISAGED, AND FILL IN ALL ENTRIES AND COMPLETE THE DIARY AT THE END OF THE POLL. THIS IS HIGHLY OBJECTIONABLE AND IT SHOULD BE IMPRESSED UPON ALL PRESIDING OFFICERS THAT ANY LAPSE ON THEIR PART IN THE PROPER MAINTENANCE OF DIARY AT ALL POINTS OF TIME DURING THE PROCESS OF POLL WILL BE SERIOUSLY VIEWED.

#### **CLOSE OF POLL**

45.1 The poll should be closed at the hour fixed for the purpose, even if for certain unavoidable reason it had commenced somewhat later than the hour appointed for the commencement of poll. However, all electors present at the polling station at the hour appointed for the close of poll should be permitted to cast their vote even if the poll has to be continued for sometime beyond the appointed closing hour. For this, he should distribute pre-numbered slips to all electors standing in queue, starting from the last person in queue at the prescribed time for end of polling.

45.2 For closing the poll after the last voter has recorded his vote, the voting machine has to be closed so that no further recording of votes in the machine is possible. For that purpose, the Presiding Officer should press the 'Close' button on the control unit. When the close button is pressed, display panels on the control unit will show the total number of votes recorded in the voting machine till the end of the poll (but not the candidate-wise tally). The total number of votes recorded in the machine should be immediately noted in Item 5 of Part I of Form 17C.

45.3 Once the close button is pressed, the voting machine will not accept any further votes. The Presiding Officer should therefore be extremely cautious and absolutely certain before pressing the close button that no elector who was present at the time fixed for the close of poll remains to vote. 118

#### **PREPARATION OF ACCOUNT OF VOTES RECORDED**

46.1 After the close of poll, the Presiding Officer is required to prepare under rule 49S, an account of votes recorded in the voting machine. Such account shall be prepared in Part I of Form 17C. This should be prepared in duplicate.

46.2 A sample account of votes recorded as prepared in Part I of Form 17C is given for your guidance at **Annexure XXXIII**.

46.3 The account of votes recorded in Form 17C should be kept by the Presiding Officer in a separate cover with the words 'Account of Votes Recorded' super-subscribed thereon.

### **SUPPLY OF ATTESTED COPIES OF ACCOUNT OF VOTES RECORDED TO POLLING AGENTS**

47. Under the said rule 49S, every Presiding Officer is also required to furnish to every polling agent present at the close of the poll, a true attested copy of the account of votes recorded as prepared by him in Form 17C, after obtaining a receipt from those polling agents. Copies of the accounts should be furnished to every polling agent present even without his asking for it.

### **DECLARATION TO BE MADE AT THE CLOSE OF POLL**

48. In order to ensure that abovementioned requirements of rule 49S regarding furnishing of copies of account of votes recorded by polling agents, are fulfilled by the Presiding Officer, the Commission has devised a declaration (Part III, **Annexure XXX**) which should be made by the Presiding Officer at the close of poll.

### **SEALING OF THE VOTING MACHINE AFTER THE CLOSE OF POLL**

49.1 After the poll has been closed and the account of votes recorded in the voting machine has been prepared in Form 17C and copies thereof furnished to the polling agents present, the voting machine should be sealed and secured for transportation to the counting/collection centre.

49.2 For sealing and securing the voting machine, the ballot unit(s) and the control unit should be disconnected and the power switch in the control unit should be switched 'OFF'. The ballot unit(s) and the control unit should be put back in their respective carrying cases. The carrying cases should then be sealed by passing a thread through the two holes provided for the purpose on both sides of the carrying cases and putting thread seal with the Presiding Officer's seal on an address tag showing the particulars of the election and the polling station. The particulars on the address tag shall be the same as mentioned in para 16.2 of Chapter XII. The candidates or their polling agents as are present and desirous of putting their seals should also be allowed to do so.

49.3 The names of the candidates/polling agents who have affixed their seals on the carrying cases of the ballot unit(s) and control unit should also be noted by the Presiding Officer in the declaration which he makes at the close of the poll vide Part IV of **Annexure XXX**.

### **SEALING OF ELECTION PAPERS**

50.1 After the close of poll, all election papers relating to the poll should be sealed by the Presiding Officer in accordance with the provisions of rule 49U.

50.2 Each packet containing election papers shall be sealed with the seal of the Presiding Officer. The candidates or their agents present at the polling station shall also be allowed to affix their seals on such packets if they so desire.

### **TRANSMISSION OF VOTING MACHINE AND ELECTION PAPERS TO THE RETURNING OFFICER**

51.1 After the voting machine and all election papers have been sealed and secured by the Presiding Officer, the Presiding Officer has to deliver them or cause them to be delivered at such place as you may direct.

51.2 You should make proper arrangements for the safe transportation and custody of voting machines and other election papers and materials after the close of the poll from the polling stations to the storage centre, where the voting machines and election papers will be stored pending the counting. In this connection, the following instructions should be particularly taken note of and followed:-

(a) It will be desirable to take the sealed voting machines and other election papers and materials after the completion of the poll direct to the place fixed for counting of votes. This arrangement would ensure that the sealed voting machines are handled only once before the votes are counted. It must be ensured that there are sufficient arrangements for the safe transportation and custody of voting machines.

(b) You should inform the candidates or their election agents sufficiently in advance about the programme of the collecting parties being sent by you, if any, and the route chart for the collection of the voting machines and other election materials from the polling station after the conclusion of the poll, so that the candidates may make arrangements, if they so desire, for sending their agents to accompany such collecting parties. The agents of the candidates should, however, make their own arrangements for their transport and they, in no case, should be allowed to travel in the same vehicles in which the voting machines and other election materials and polling parties are transported.

#### **SAFE CUSTODY OF VOTING MACHINES AFTER POLL**

52.1 All Presiding Officers or the Collecting Parties should deposit the voting machines and election papers and materials at the storage centres without any avoidable delay. Any officer who defaults in this respect will make himself liable to disciplinary action.

52.2 You may earmark inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking the voting machines received from particular polling stations. The arrangement for this should follow the serial number of polling stations.

52.3 All ballot unit(s) and control unit received from one polling station must invariably be kept together at one place on the same square. The control unit should be kept on top of the ballot unit(s). One copy of the account of votes recorded and the paper seal account of each polling station should be kept on top of the control unit pertaining to the polling station. The duplicate copy of the account of votes recorded and the paper seal account should be kept under your safe custody alongwith the Presiding Officers Diary.

52.4 Sufficient space should be left between rows of voting machines as they are being stacked so that other machines received subsequently out of turn (from the point of view of serial numbers of 120 the polling stations) may be kept at their appropriate allotted space without the necessity of having to shift any of the voting machines received and stacked in earlier point of time.

52.5 If any of the contesting candidates so desires, he may be permitted to post an agent to keep watch at the place where the voting machines are stored pending the counting and allow him to affix his own seals to the doors and windows of the building in which voting machines have been stored in addition to the seals that may be affixed by you. It should also be ensured that immediately after all the voting machines have been received and stored, the room is locked forthwith. Thereafter, no one is allowed to go in until the morning of the day fixed for counting. If during this interval, for some unavoidable reason, the room has to be opened you should send for the candidates or their authorised representatives by giving them intimation in writing and open the room in their presence and immediately after the purpose for which the room is opened



is over, the candidates or their representatives should again be allowed to put their seal the door lock and windows.

52.6 Whenever it is necessary to open the room where the voting machines are stored, proper entries should be made in the log book giving details of the persons entering the room, the purpose of such entry, time of entry, time of exit, signature of the guards, etc. The form in which the log book should be maintained is given in **Annexure XXXIV**.

52.7 These instructions will also apply mutatis mutandis to the storage of the voting machines during the interval between the original count and the recount, if any.

### **SAFE CUSTODY OF METAL SEALS, RUBBER STAMPS, ETC.**

53. According to the instructions issued by the Commission, (1) the metal seal of the Presiding Officer and (2) the arrow cross mark rubber stamp for marking the tendered ballot papers used at the polling station will be put by the Presiding Officer inside the second bigger envelope containing non-statutory items. Before placing them inside the bigger envelope, these items of election materials should be first put inside separate envelopes on the outside of which the names of the articles should be superscribed and you should arrange to collect the packets containing these articles and deliver them as soon as may be practicable after the poll to the District Election Officer for safe custody. These articles after they are returned by the Presiding Officers and duly accounted for, can be used at any subsequent election, if still serviceable.

### **ALLEGATION AGAINST POLLING STAFF**

54. Whenever specific allegations of a serious nature are made in writing against the Presiding Officer or the polling staff about his conduct during polling at an election, you should inquire into the matter as soon as practicable and send the papers together with your report to the Chief Electoral Officer and the Commission. Where, however, the complaint is anonymous, you should exercise your discretion in deciding whether it deserves to be inquired into or not.

### **RETURNING OFFICER TO BE IN HEADQUARTERS ON POLL DAY**

55. You or your Assistant Returning Officer should be available on the polling day at a definite place near a telephone in the constituency or as near the constituency as possible and the Election Commission, Chief Electoral Officer, Observers, candidates, Presiding Officers and zonal officers should know where you will be available for contact and instructions as and when necessary.

### **DEATH OF A CANDIDATE BEFORE POLL**

56.1 The law (Section 52 of R.P. Act, 1951) which earlier provided for countermanding of election on the death of a candidate has recently undergone a significant change by the Representation of the people (Amendment) Act, 1996. As per the amended Section 52 only in the event of death of a candidate set up by a recognised political party in the following circumstances the poll shall be adjourned :-

- (a) the said candidate dies at any time after 11.00 a.m. on the last date for making nominations and his nomination is found valid on scrutiny under section 36; or
- (b) his nomination has been found valid on scrutiny under section 36 and he has not withdrawn his candidature under section 37, and he dies, and in either case a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or

(c) he dies as a contesting candidate and a report of his death is received before the commencement of the poll.

56.2 You, on being satisfied about the fact of the death of the candidate, should order the adjournment of the poll to a date to be notified later by the Election Commission. You should immediately report the fact to the Commission and to the appropriate authority, i.e., the Government of India in the Ministry of Law, Justice and Company Affairs in the case of election to the House of the People, and the Government of the State in the case of Election to the Legislative Assembly of the State.

56.3 In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll should be made only after the scrutiny of all nominations including the nomination of the deceased candidate. In such case, it should be noted that the candidate shall be deemed to have been set up by a recognised political party only if all the requirements mentioned in para 13 of the Election symbols (Reservation and Allotment) Order, 1968 have been fulfilled by the time of death of the candidate. If the party has not given intimation regarding setting up of the candidate in the prescribed forms 'A' and 'B' by the time of the death of the candidate the candidate shall not be deemed to have been set up by a recognised political party for the purpose of adjournment of poll. In such a case, contention of any party that it would have furnished the required intimation by 3.00 p.m. of the day (as required under para 13 of the Symbols Order) cannot be accepted.

56.4 Another important point to note in this connection is that recognised political party, for the purpose of Section 52 of Representation of the people Act, 1951, means a recognised National party or party recognised as a state party in the State concerned. A party recognised as a State party in a particular state will be treated only as a registered un-recognised party in other states where it is not recognised as State party even if that party has been granted concession under para 10 of the Symbol Order to use its symbol in other states. Therefore, poll will not be adjourned on the death of candidate set up by such a party in such other state.

56.5 On receipt of the report from you about the death of the candidate set up by a recognised political party, the Election Commission will call upon the concerned political party to nominate another candidate for the said election in place of the deceased candidate. The political party will have to make the nomination within seven days of the issue of notice to that effect by the Election Commission. Nomination of such candidate will also be done in the prescribed form (i.e., form 2A or 2B, as the case may be ) and he will also have to make a fresh security deposit. The nomination in the prescribed form should also be accompanied by the required intimation from the party in Form A and Form B prescribed under paragraph 13 of the election Symbols (Reservation & Allotment) Order, 1968. All other requirements of law relating to nomination, scrutiny of nomination, withdrawal of candidature in respect of such candidate have also to be followed.

56.6 A person who had given a notice of withdrawal of his candidature under sub-section (1) of section 37 before the adjournment of poll is eligible to be nominated as a candidate in place of the deceased candidate.

56.7 If the list of contesting candidates had already been published under section 38, before the adjournment of poll, you should prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.

56.8 Further stages of the election will continue as per the revised schedule notified by the Commission.

## **ADJOURNMENT OF POLL**

57.1 Under section 57(1) of the Representation of the People Act, 1951, the Presiding Officer of a polling station is empowered to adjourn the poll on account of

- (i) a natural calamity like flood, heavy snowfall, a severe storm and the like, or
- (ii) non-receipt or loss or damage to essential polling materials like EVMs, ballot boxes, ballot papers, authentic copy of electoral roll and the like, or
- (iii) disturbance of peace at the polling station making it impossible to take the poll; or
- (iv) non-arrival of the polling party at the polling station due to obstruction on the way or any other serious difficulty, or
- (v) any other sufficient cause.

57.2 Whenever the poll is adjourned at any polling station, the Presiding Officer is required to report that fact to the Returning Officer who shall forthwith report the matter to the Commission for further directions.

### **PROCEDURE FOR COMPLETING THE ADJOURNED POLL**

58.1 For completing the adjourned poll, you shall

- (i) report the circumstance immediately to the Election Commission, the Chief Electoral Officer and the appropriate authority, (The appropriate authority has been defined in section 2 of the Representation of the People Act, 1951, to mean, in relation to an election to either House of Parliament, the Central Government and in relation to an election to the Legislative Assembly or Legislative Council of a State, the State Government. It is an obligation cast by law upon you to report the circumstances of the case to the appropriate authority and the Election Commission.);
- (ii) seek the approval of the Election Commission of the date, hours and place which you propose for holding the adjourned poll;
- (iii) formally fix the date, hours and polling station as approved by the Election Commission;
- (iv) inform the contesting candidates or their election agents accordingly in writing, but only after the receipt of the Commission's formal approval;
- (v) affix a notice on your notice board notifying the date, hours and the polling station so fixed(;) and
- (vi) announce by beat of drum or otherwise in the polling area concerned the date, hours, and the polling station so fixed.

58.2 For the sake of convenience, uniformity and completeness of the report to be sent to the Commission under the said section 57(2), the Commission has prescribed a format of such report (vide **Annexure XXXV**). You should send a consolidated report in that format in respect of all the polling stations where the poll has been adjourned. The Commission will not accept any piece-meal reports in this behalf

[N.B. While suggesting the hours for holding an adjourned poll in the particular polling station, you may propose any period sufficient for completing the poll being conducted Section 57(2) is independent of section 56 and it is, therefore, not necessary when fixing the hours for the adjourned poll to deduct the hours during which the poll had already taken place before the adjournment.]

58.3 Where the poll has been adjourned at a polling station under the provisions of sub-section (1) of section 57, the adjourned poll will recommence from the stage at which it was left immediately before the adjournment, i.e., the electors who have not already voted before the poll was adjourned will alone be permitted to vote at the adjourned poll. You should provide the Presiding Officer of the polling station, at which such adjourned poll is taken, with the sealed packets containing the marked copy of the electoral roll and the Register of Voters in Form 17C and a new voting machine. Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and the Register of Voters should be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this very marked copy of the electoral roll and the Register of Voters should be used for adjourned poll.

58.4.1 The provisions of rules 28 and 49A to 49V will apply to the conduct of an adjourned poll as they apply to the poll before it was so adjourned.

58.5 Where the poll could not be commenced due to non-arrival of the polling party or other reasons, the provisions of abovementioned rules will apply to every such adjourned poll as they apply to the original poll.

### **PROCEDURE FOR HOLDING FRESH POLL**

59.1 Under section 58 of the Representation of the People Act, 1951, the Election Commission is competent to declare the poll at a polling station to be void, if at that polling station -

- (i) any voting machine has been unlawfully taken away by an unauthorised person, or
- (ii) Any voting machine has been accidentally or intentionally destroyed or lost or damaged or tampered with and you are satisfied that the result of the poll at that polling station cannot be ascertained for that reason, or
- (iii) any voting machine develops a mechanical failure during the course of the recording of votes, or
- (iv) any error or irregularity in procedure as is likely to vitiate the poll has been committed.

59.2 You should report the facts forthwith to the Election Commission and the Chief Electoral Officer. For the sake of convenience, uniformity and completeness of the report to be sent to the Commission under the said section 58(1), the Commission has prescribed a format of such report (**Annexure XXXVI**). You should send a consolidated report in that format in respect of all the polling stations where the poll has been vitiated. The Commission will not accept any piecemeal reports in this behalf.

59.3 After considering all the material circumstances, the Commission will, if necessary—

- (i) declare the poll at the polling station to be void; and
- (ii) formally fix the date and hours for a fresh poll.

59.4 On receiving intimation from the Commission, you should inform in writing the contesting candidates or their election agents of the date, time and place fixed for the fresh poll and affix a notice on your notice board, notifying the date and hours so fixed. Also, you should announce by beat of drum or otherwise in the polling area concerned the place, date and hours so fixed.

59.5 All electors entitled to vote at the polling station or stations in question will be entitled to vote at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the fresh poll. To distinguish the marks to be made at the fresh poll from those already made at

the original poll, the Commission directs that the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

59.6 A new voting machine [the ballot unit(s) as well as the control unit] and a new marked copy of electoral roll shall be used at the fresh poll.

59.7 The provisions of the Representation of the People Act, 1951, Conduct of Elections Rules, 1961 and Orders made thereunder will apply to the fresh poll in exactly the same way as they apply to the original poll. All the voting machines used for the original poll at the polling station(s) where fresh poll has been directed by the Commission should be preserved carefully, unopened and with the seals intact.

## **PROCEDURE FOR HOLDING FRESH POLL IN CASE OF BOOTH CAPTURING**

60.1 Under section 58A, if booth capturing (as defined in section 135A) has taken place at a polling station in such a manner that the result of the poll of that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election commission. On receipt of that report from the Returning Officer, the Election Commission shall, after taking all material circumstances into account, either (i) declare the poll at that polling station to be void and direct a fresh poll to be taken on a date to be appointed by it, or (ii) countermand the election if it is satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected.

60.2 In order to enable the Commission to take appropriate decision in case booth capturing has taken place at any polling stations, the Commission has prescribed a format in which the Returning Officer should send his report to the Commission in the matter. The said format has been reproduced in **Annexure XXXVII** for facility of reference. It should be a consolidated report in respect of all polling stations involved in booth capturing. The Commission will not accept any report in piece-meal.

60.3 If the Commission directs fresh poll to be taken at any polling station, you should proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.

60.4 If the election is countermanded by the Commission on account of booth capturing, all proceedings for that election will commence anew and a fresh notification calling for the election will be issued in due course.

## **CLOSING OF VOTING MACHINE IN THE CASE OF BOOTH CAPTURING**

61.1 Rule 49X provides that where the Presiding Officer of a polling station is of the opinion that booth capturing is taking place at the polling station, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and he shall detach the ballot unit(s) from the control unit.

61.2 As soon as may be after a Presiding Officer has closed the voting machine under rule 49X, he should report the matter with full facts to the Returning Officer. The Returning Officer shall, in turn, report the full facts of such case to the Election Commission through the fastest means of communication available.

61.3 The Election Commission, on receipt of the report from the Returning Officer and after taking into account all material circumstances, may-

- (i) either decide to have the adjourned poll completed from the stage it was adjourned by providing a new voting machine, if it is satisfied that the poll upto that stage was not vitiated, or

- (ii) declare the poll at the polling station as void, if it is satisfied that the poll was vitiated and direct a fresh poll at that polling station.

61.4 Further steps to complete the adjourned poll or, as the case may be, conduct a fresh poll as directed by the commission shall be taken in accordance with the procedure prescribed in paras 58.1 to 59.7 above.

## **REPORTS TO THE COMMISSION ABOUT POLLING**

62.1 The Commission desires that it should be kept informed of the progress of poll on the polling day. The Commission has accordingly instructed that each Returning Officer should send three comprehensive reports giving details of every important event in the format at **Annexure XLIV-A**. 126 The first report should reach the Commission by 1300 hours on the day of poll, and the second by 1900 hours after the close of poll. The third and final report should reach the Commission by 0700 hours next morning, i.e., the day immediately following the day of poll. It should be submitted in the formats prescribed by the Commission. These reports should be sent by the quickest available means of communication.

62.2 It should be noted that the failure to send any of the reports in time will be viewed by the Commission as a gross failure of statutory duty on the part of the Returning Officer concerned and will lead for serious consequences.

62.3 It is only after the receipt of these reports that the Commission shall decide in each individual constituency whether the counting of votes should be allowed to be taken up by the Returning Officer. You should, therefore, ensure that your reports reach the Commission well in time to enable it to take decision about the counting in your constituency. Though it is not mandatory now to take prior approval of the Commission to commence the counting of votes, your failure to furnish your report may lead to postponement of counting of votes in the constituency.

## USE OF EVMs AT SIMULTANEOUS ELECTIONS

### PRELIMINARY

1. The existing Voting Machines are used for taking poll at a single election. For using the Voting Machines at simultaneous elections, two separate sets of Voting Machines are to be used – one set for Lok Sabha election and the other set for Assembly election.

### REQUIREMENT OF EVMs FOR SIMULTANEOUS POLL

2. For simultaneous elections – that is to say holding of poll on the same day from a parliamentary constituency and its component assembly constituency – it is necessary to use two separate sets of EVMs. Therefore your requirement of ballot units and control units will be double of the polling stations in the parliamentary constituency plus the reserve machines that are required to be kept as per the directions of the Commission

### TWO SETS OF EVMs – IDENTIFICATION STICKERS

3. In order to clearly identify and recognize which set of EVMs belongs to Lok Sabha election and which to State Assembly Election, it is absolutely necessary to fix/paste distinct Identification Stickers on the Control Units and Ballot Units. Apart from the Identification Stickers, there shall be separate set of “Address Tags”. The details are given below:

#### (A) COLOUR OF STICKERS & ADDRESS TAGS

##### ***Lok Sabha Election:***

The colour of the Identification Sticker and Address Tag shall be WHITE (same colour as that of Ballot Paper).

##### ***Legislative Assembly Election:***

The colour of the Identification Sticker and Address Tag shall be PINK (same colour as that of Ballot Paper).

#### (B) SIZE OF STICKERS

- (i) For Control Unit 3 cm x 6 cm
- (ii) For Ballot Unit 6 cm x 6 cm

#### (C) FORMAT OF IDENTIFICATION STICKER

The Identification Sticker shall be a self adhesive sticker pasted on the top of the cover of the “Battery Cand. Set Section” as described below:

##### **I. STICKER ON CONTROL UNITS FOR LOK SABHA ELECTION:**

- The stickers shall have the legend “LOK SABHA” printed in bold letters so as to identify that the Control Unit is being used for Lok Sabha election.

##### **II. STICKER ON CONTROL UNITS FOR ASSEMBLY ELECTION:**

- The stickers shall have the legend “VIDHAN SABHA” printed in bold letters so as to identify that the Control Unit is being used for State Assembly election.
- The language of the legend on the stickers may be either English or regional language.
- While pasting this sticker, care should be taken to ensure that it does not obstruct the opening of this outer cover of the “Battery – Cand.Set” Section.

## **BALLOT UNITS**

4. In view of the fact that the Ballot Paper fixed under the transparent screen of the Ballot Unit for LOK SABHA ELECTION is WHITE in colour and that for ASSEMBLY ELECTION is PINK in colour, there will ordinarily not be any difficulty in identifying to which election the Ballot Units belong. However, thin strips of distinguishing stickers should be passed on the outer thin frame of each Ballot Unit below the panel of the 16<sup>th</sup> candidate. These stickers shall also be identical in colour and content to those which are pasted on the respective Control Units.

## **ACTION BY THE RETURNING OFFICER**

5. The detailed procedure for the preparation of Voting Machines by the Returning Officer in his office has already been given in Chapter XII. For the preparation of the Voting Machines for conduct of simultaneous elections, the Returning Officers shall follow the procedure detailed below:

## **PREPARATION OF EVMs AT DIFFERENT PLACES**

6.1. Preparation of Voting Machines for Assembly Election and Lok Sabha Election shall be done in separate Rooms or Halls and should NOT be done in the same Hall or Room. This is all the more important, because while preparing the Machines, the RO has to give notice to the Candidates and their Election Agents to be present. Since the contesting candidates will be different for elections to Lok Sabha and State Legislative Assembly, the preparation of the machines for both elections should be done at different places and there should not be any mix up. Further, if the preparation of the EVMs for both the elections is done at the same place, there may be mix up of Lok Sabha Ballot Paper being fixed on the Ballot Unit meant for Assembly election and vice-versa. Similar mix up cannot be ruled out in the matter of setting up the number of candidates in the Control Units earmarked for the two elections.

## **FIXING IDENTIFICATION STICKERS & ADDRESS TAGS**

6.2 The first task of the Returning Officer is to paste the Identification Sticker on each Unit. After pasting this sticker, he should proceed to set up the Control Unit for the required number of candidates, seal the Battery Section and put an address tag thereon. The prepared Units shall be kept in their Carrying Cases and the corresponding coloured Identification Stickers and address tags shall be used for pasting/fixing on the carrying cases also.

AN IDENTIFICATION STICKER (SIMILAR TO THE ONE USED ON THE CONTROL UNIT AND BALLOT UNIT) SHALL BE FIXED/PASTED ON THE TOP OF THE CARRYING CASES OF BOTH CONTROL UNIT AND BALLOT UNIT.

## **STORAGE OF PREPARED UNITS FOR LOK SABHA ELECTION**

7. In case sufficient number of Rooms or Halls to prepare the EVMs for each election separately are not available, then the work of preparation of the EVMs shall be taken up one after the other. First, the 129 EVMs meant for the Lok Sabha Election may be prepared and after preparing all the EVMs for Lok Sabha, they shall be kept in safe custody in a room or hall and a sign board be fixed outside such room or hall clearly indicating that the prepared EVMs for Lok Sabha Election are stored inside.



## **STORAGE OF PREPARED UNITS FOR ASSEMBLY ELECTION**

8. Thereafter, preparation of EVMs for Assembly Election shall be taken up and the prepared Units be stored in different rooms or halls with a similar board outside to indicate that Assembly EVMs are stored therein.

## **REGISTER FOR ALLOCATION OF EVMs**

9.1 The Returning Officer should open a Register to enter there the distinct Identification Numbers of the Control Unit and Ballot Unit(s) allocated to each polling station.

9.2 There should be separate registers maintained for Lok Sabha Election and Assembly Election.

## **TRAINING TO POLLING PERSONNEL**

10. During the Training Classes for the Presiding and Polling Officers, the difference between the Voting Machines for each Election shall be explained in detail, so that they are not left in any doubt about the following respects -

- i. Identification of the machines earmarked for Lok Sabha and Assembly Elections. Show them prepared models.
- ii. Clear understanding that in the polling station, they have to connect the Ballot Unit belonging to Lok Sabha Election to the Control Unit earmarked to Lok Sabha Election and similarly connect the Ballot Unit of the Assembly Election to the Control Unit of the Assembly Election.
- iii. Ensuring that after fixing the green paper seal in the frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the Result Section of the CONTROL UNIT FOR LOK SABHA ELECTION only the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the green paper seal fixed in the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone are allowed to affix their signatures.
- iv. Ensuring that after fixing the Special Tag in the frame provided after closing the inner side of the door of the inner compartment of the Result Section of the CONTROL UNIT FOR LOK SABHA ELECTION only the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the Special Tag fixed in the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone are allowed to affix their signatures.
- v. Ensuring that on Outer Strip Seal for the CONTROL UNIT FOR LOK SABHA ELECTION only the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the Outer Strip Seal for the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone are allowed to affix their signatures. They should be warned about the consequences of connecting wrong Units, which will result in cancellation of the poll from such polling stations.

## **B. CONDUCT OF POLL**

### **ELECTION MATERIALS FOR POLLING STATION**

11. The essential items required for each polling station have been mentioned in greater detail in the Handbook for Presiding Officers and in **Annexure XII**. However, there are certain

items of election materials which are exclusively required for the conduct of poll with the use of EVMs. For the conduct of simultaneous elections, such materials required are detailed below:

### **VOTERS' REGISTER**

12. For the conduct of poll for both the election, only ONE Voters Register is to be used. The signatures of voters for both the elections shall be taken in the same register.

### **VOTERS' SLIPS**

13. After signing the Voters Register, each voter is to be supplied with a Voters slip as detailed in Chapter XII. In the case of simultaneous election, each voter shall be supplied with TWO such slips. While printing these slips, it shall be ensured that the name of the House for which the election is being held and the name of the constituency are correctly printed. For the sake of easy identification as to which election each of the slips belongs, the Voters Slip for Lok Sabha election be printed on WHITE paper and that for Assembly election on PINK paper.

### **MARKED COPY OF ELECTORAL ROLL**

14. There is no change in the number of working copies of the electoral roll to be supplied to each polling station. The polling officer in charge of marked copy of the electoral roll will maintain only ONE marked copy of the electoral roll for both the elections.

### **COMPOSITION OF POLLING PARTIES**

15. For the conduct of poll in the conventional method with the use of ballot papers and ballot boxes the existing instructions allow appointment of one Presiding Officer and 5 Polling Officers at simultaneous elections. Similarly, for the conduct of poll at simultaneous election with the use of Electronic Voting Machines also. One Presiding Officer and 5 Polling Officers may be appointed for each Polling Station. For Polling Stations with more than 1200 voters, an extra Polling Officer may be appointed.

### **DUTIES OF POLLING PARTY**

- (a) *First Polling Officer:* He will be identifying the electors and will be in charge of marked copy of the electoral roll.
- (b) *(b) Second Polling Officer:* He will be in charge of the indelible ink and voters register.
- (c) *Third Polling Officer:* He will be in charge of the Voters Slips.
- (d) *Fourth Polling Officer:* He will be in charge of the Control Unit for Lok sabha election.
- (e) *Fifth Polling Officer:* He will be in charge of the Control Unit for State Assembly Election.
- (f) *Presiding Officer:* He will be over all in-charge of the polling station and supervise the smooth conduct of poll.

### **LAYOUT OF POLLING STATION**

16.1 A layout plan of the polling station where TWO sets of EVMs are to be used for taking simultaneous poll is given at **Annexure XXIX-B**. In the layout, only one door for entry and exit of voters has been shown. However, if the room where the polling station has been set up has two doors, the entry and exit may be arranged from different doors.

16.2 It may be noted that there shall be TWO separate Voting Compartments – one for keeping the Ballot Unit(s) of the Lok Sabha election and the other to keep the Ballot Unit(s) of the Assembly Election.

16.3 A Notice with bold letters on each of the Voting Compartments with the words 'VOTING COMPARTMENT – LOK SABHA ELECTION' and "VOTING COMPARTMENT – ASSEMBLY ELECTION' shall be pasted on each of the Voting Compartments.

### **VOTING COMPARTMENT**

17. Voters have to vote in secrecy and for this purpose, the Ballot Units are required to be kept in Voting Compartments. The Voting Compartment has three sides covered. The Ballot Unit is to be placed inside the Voting Compartment on a Table. The Ballot Unit is to be placed in such a way that voters do not find any difficulty to record their voters. The connecting Cable, which is permanently attached to the Ballot Unit, has to come out from the back portion of the Voting Compartment through an aperture cut out at the bottom of back portion of the Voting Compartment. This aperture should be wide enough so that that portion of the Ballot Unit through which the Cable comes out is visible from outside. This is necessary to keep a watch that no voter tries to tamper or damage the Cable while inside the Voting Compartment. However, this aperture in the Voting Compartment should not be too wide as to violate the secrecy of voting.

### **VOTING PROCEDURE**

18.1 The voters when they enter the polling station will proceed to the first polling officer who will identify the electors and make necessary entries in the marked copy of the electoral roll.

18.2 The voter will then move to Second Polling Officer who will first apply the indelible ink mark on his finger and ask him to sign or put thumb impression in the Voters Register. If the Voter puts his thumb impression, the polling officer should ask the voter to wipe off the residuary stamp pad ink from him thumb on a piece of wet cloth kept on the table for this purpose.

18.3 When the Second Polling Officer is applying the indelible ink mark and taking the signature or thumb impression of the voter in the register, the Third Polling Officer who will be sharing the Table with the Second Polling Officer, will prepare two identical voters slips – one on white paper and the other on pink paper and after examining the finger of the voter to ensure the indelible ink mark is duly applied and not erased will hand over both the voters slips to the voter and direct him to the Fourth Polling Officer.

### **VOTING FOR LOK SABHA**

18.4 After receiving the two Voters Slips, enabling him to vote for Lok Sabha and Assembly elections respectively, the voter will go to the Fourth Polling Officer who is in charge of CONTROL UNIT FOR LOK SABHA ELECTION. He will hand over the White Voter Slip to the Fourth Polling Officer. After 132 satisfying that it is the turn of that voter to vote, the Fourth Polling Officer shall press the Ballot Button of the Control Unit for the Lok Sabha Election kept on his table, and direct the voter to go into the Voting Compartment for Lok Sabha Election. While doing so, the Fourth Polling Officer should inform the voter that after voting for Lok Sabha, he should go with the Pink Voter Slip to the Fifth Polling Officer to vote for Assembly Election.

18.5 The voter will then enter the Voting Compartment for Lok Sabha Election and vote for Lok Sabha Election by pressing the Blue Button of the candidate of his choice on the Ballot Unit kept inside.

### **VOTING FOR ASSEMBLY ELECTION**

18.6 After he has voted for Lok Sabha election, it shall be ensured that the voter goes to the Fifth Polling Officer in-charge of Control Unit for Assembly election. After taking the Pink Voter Slip from the voter and ensuring that now it is his turn to vote, the Fifth Polling Officer shall activate the machine by pressing the Ballot Button on the Control Unit for Assembly Election and direct the voter to go inside the Voting Compartment for Assembly Election to vote.

## **IMPORTANT DUTIES OF FOURTH AND FIFTH POLLING OFFICERS**

19. It may appear that the Fourth and Fifth Polling Officers have been given a very easy job. On the contrary, the success of simultaneous election depends on their alertness. Their job is not only to simply press the Ballot Button to activate the Voting Machine, they have to ensure that each voter votes in his/her turn in the exact serial order as given in the Voters Slip. They have also to keep a constant watch to ensure that when they direct any voter to go and vote, the voter goes into the correct Voting Compartment and votes accordingly. Due to ignorance or otherwise, if any voter seems to be not sure as to where to go and what to do after he has been allowed to vote, it is the duty of these two polling officers to ensure that the voter follows the correct procedure. During the first hour of poll when there is usually a lot of rush, they should keep their cool and see that the voting proceeds smoothly. Whenever there is a respite and in any case after every one hour of poll, they should tally the total votes polled till then with the Voters Register and also with the total displayed in both the Control Units.

## **PRESIDING OFFICER**

20. The Presiding Officer is over all in-charge of the Polling Station. His duties are, in brief, to -

- i. Place the Ballot Units in their respective Voting Compartments;
- ii. Connect the Ballot Units with their respective Control Units;
- iii. Switch on the power;
- iv. Demonstrate before the hour fixed for actual commencement of the poll to the candidates/agents present that the Voting Machines are clear and do not contain any votes;
- v. Conduct mock poll to ensure that the vote cast for any particular candidate is actually counted in his favour;
- vi. Conduct first the mock poll for Lok Sabha Election using the Control Unit and Ballot Unit(s) prepared for Lok Sabha Election;
- vii. Conduct, then, the mock poll for Assembly Election using the Control Unit and Ballot Unit(s) prepared for Assembly Election;
- viii. Ensure that on the green paper seal fixed in the CONTROL UNIT FOR LOK SABHA ELECTION only the candidates for the Lok Sabha election or their polling agents as are present affix their signatures, and similarly, on the green paper seal fixed in the CONTROL UNIT FOR ASSEMBLY ELECTION, the candidates for Assembly election or their polling agents along affix their signatures.
- ix. See that Voting Compartments have been properly arranged with appropriate posters pasted outside to indicate clearly the Election pertaining to which the Ballot Unit is kept inside:
- x. Ensure that the Cables to connect the Ballot Units with their respective Control Units are placed in such a way that voters are not required to cross over them during their movements inside the polling station. At the same time the entire length of the cable should be visible to the polling agents presents.
- xi. Ensure that all the members of the polling party are in position well before the commencement of the poll and all materials and records are kept handy and ready to commence poll at the appointed hour:
- xii. Prevent any member of the polling party or any polling agent from wandering inside the polling station and to keep them seated in their allocated seats:
- xiii. Commence the actual poll at the hour fixed for commencement of poll.

xiv. Keep, during the progress of poll, a close watch on the movements of the voters and to be alert and watchful so that no voter goes away without voting for both or either of the elections.

xv. Ensure that during the first hour of the poll when polling is generally brisk, no member of the polling party shows any slackness in the duties allocated to him.

xvi. Check periodically the total for each control unit to ensure that the voting is going as per the serial order of electors.

## **CLOSING THE POLL**

21.1 The Presiding Officer should ensure that the poll is duly closed at the end of the polling hour as per the prescribed voting procedures. After the last voter has voted as per the above procedure, he should press CLOSE BUTTON of the Control Units for both the Elections. After prescribed Forms have been carefully and duly filled for both the election, he should disconnect the Ballot Units from the Control Units and seal them in their respective carrying cases.

21.2 PRESIDING OFFICER SHOULD ENSURE THAT THE CARRYING CASES OF ALL THE UNITS HAVE IDENTITY STICKERS OF THE CONCERNED ELECTIONS PROMINENTLY PASTED ON THE OUTSIDE. HE SHOULD ALSO ENSURE THAT THE BALLOT UNITS AND CONTROL UNITS ARE PLACED ONLY IN THEIR RESPECTIVE CARRYING CASES WITH THE ELECTION IDENTITY LABEL FIRMLY PASTED. FURTHER, HE SHOULD ALSO FIX THE DULY FILLED IN ADDRESS TAGS OF CORRECT COLOUR (WHITE FOR LOK SABHA ELECTION AND PINK FOR ASSEMBLY ELECTION) TO THE RESPECTIVE CARRYING CASES.

21.3 Presiding Officer should ensure that all the sealed Units and election records are duly handed over to the Returning Officer, at the reception center, as per the prescribed procedure.

## **ACCOUNTS OF VOTES RECORDED**

21.4 After the close of poll, the Presiding Officer is required to prepare, under Rule 49S, an account of votes recorded in the voting machine. Such account shall be prepared in Part-I of Form-17C. This should be prepared in duplicate. It should be noted for that accounts of votes in Part-I of Form- 17C shall be prepared separately for the Parliamentary and Assembly elections.

21.5 A sample account of votes recorded as prepared in Part-I of Form-17C is given for your guidance at **Annexure-XXXIII**.

21.6 Under Rule 49S every Presiding Officer is also required to furnish to every polling agent present at the close of poll a true and attested copy of the account of votes recorded as prepared by him in Form-17C after obtaining a receipt from those polling agents. Copies of the account of votes are to be given for the assembly constituency to the polling agents of the candidates contesting the assembly poll and copies of the account prepared for parliamentary constituency are to be given to the polling agents of the candidate contesting the parliamentary poll. Copies of the account should be furnished to every polling agent present even without his asking for it.

## **STORAGE OF USED EVMs IN STRONG ROOMS**

22. Detailed instructions relating to storage of Voting Machines after poll and before counting are given in Chapter XIII, paras 51.1 to 51.7. All those instructions are not repeated here, except some essential points to clear any doubts.

### **STORAGE PLACE**

22.1. A suggestion has been made that due to shortage of space, the Commission may relax the conditions and allow the storage of Control Units and Ballot Units used at polling stations in separate rooms before the counting is taken up. In the directions, it has been provided that the used Voting Machines may be stored in a room or building. The 'building means that more than one room in the same building can be used for the purpose of storage of Voting Machines. Therefore, the Commission does not find any reason to allow storage of Ballot Units and Control Units separately. If space is a constraint, more than one room may be used in the building. However, outside all such rooms, a notice be pasted indicating the particulars of Election and Serial Numbers of Polling Stations where the EVMs stored inside were used for taking poll.

22.2. THE EVMS USED AND ALL RELEVANT RECORDS FOR LOK SABHA ELECTION AND STATE LEGISLATIVE ASSEMBLY ELECTION SHALL BE STORED IN SEPARATE ROOMS AND UNDER NO CIRCUMSTANCES SHALL BE STORED IN THE SAME ROOM.

## CHAPTER XIV COUNTING OF VOTES

### GENERAL

1.1 Counting of votes is one of the most important stages of the election procedure. The result of the entire election may be nullified by wrong, irregular or careless counting. Being entrusted with this important work, you should exercise great vigilance on the work of the counting and also in maintenance of discipline inside the counting hall.

1.2 The EVM records correctly each vote cast by a voter by means of the voting machine and keeps an exact and up-to-date account candidate-wise of each vote so cast. All votes cast by means of voting machines are valid votes and as such there will be no invalid or rejected vote in respect of any polling station where the voting machines have been used. Thus, the process of counting has become very simple, easier and quicker because of the voting machines. Nonetheless, you must follow the instructions given in the following paragraphs to the minutest details so that the counting of votes takes place perfectly and there is no doubt in the minds of any candidate or his agent with regard to the result of the election. It should also be ensured that counting supervisors and counting assistants are imparted intensive training so that they carry out their duties properly.

### LEGAL PROVISIONS

2.1 The counting of votes at an election where voting machines are used is regulated by the provisions of rule 66A of the Conduct of Elections Rules, 1961 as inserted by the Conduct of Elections (Amendment) Rules, 1992. These rules are reproduced in **Annexure I**.

2.2 By the said rule 66A, the provisions of rules 50 to 54 relating to time and place for counting of votes, appointing of counting agents and revocation of such appointments, admission to the place fixed for counting and maintenance of secrecy of voting have been made applicable as they apply in relation to counting of votes in other constituencies where the system of ballot papers and ballot boxes is followed. The provisions of rule 54A relating to the counting of postal ballot papers also apply in the case of a constituency where voting machines are used, because the system of postal ballots is the same. By the aforesaid rule 66A, three new rules, namely, Rules 55C, 56C and 57C have been added which provide for scrutiny and inspection of voting machines before the counting, actual counting of votes recorded in the voting machines and sealing of voting machines after the counting. In order to remove any doubt or ambiguity, it has also been clarified by the abovementioned amendment rules that rules 60 to 66 (providing for continuous counting, re-commencement of counting after fresh poll, recount of votes, declaration of result of election, counting at two or more places and grant of certificate of election to returned candidate) shall also apply in relation to voting by voting machines and any reference in those rules to ballot paper shall be construed as including a reference to the voting machine.

2.3 You should study the abovementioned rules 50 to 54A, 55C, 57C and 60 to 66 very carefully and refer to them whenever in doubt. As mentioned above, these rules are reproduced in **Annexure I** for facility of your reference.

### DATE, PLACE AND TIME FOR COUNTING

3.1 At the time of general elections to the House of the People and the State Legislative Assemblies, the Commission normally fixes the date and time before which the counting should not start in any constituency. The Commission fixes such date and time keeping in view the dates of poll in various States at a country-wide general election to the House of the People or the general elections to more than one State Legislative Assembly or to the dates of poll in various constituencies at a general election in a particular state. In the case of bye-elections also

when simultaneously held from more than one constituency, the Commission normally issues such directions having regard to the dates of poll in various constituencies.

3.2 You should fix the date and time of counting in the constituencies for which you are the Returning Officer having regard to the above directions of the Commission. While so fixing the date and time, you should keep in mind the time likely to be taken in the transportation of the voting machines from the farthest corner of the constituency to the counting centre.

3.3 It has been instructed in the preceding chapter that you should keep the Commission informed of the progress of poll on that polling day. For that purpose you are required to send three reports to the Commission, the third and final report reaching the Commission at seven hours on the morning following the day of poll. Though the instructions that you shall not commence the counting unless you have obtained prior clearance from the Commission has been relaxed, it is still very important that your said reports, particularly the third and final report, are received in the Commission on time. If the reports are not received, the commencement of counting can be stopped by the Commission.

3.3A In case of adjournment of poll at any or some polling stations u/s 57 of the Act the counting of votes shall not commence, till the adjourned poll is complete.

3.4 The place for the counting of votes in a constituency is left to your discretion. It may either be at your own headquarters, the district headquarters or any other place which you may consider to be convenient for the purpose. There will be no legal objection even if the place so fixed is outside the limit of the constituency, but that should be avoided as far as possible.

3.5 As far as possible, the counting of votes of more than one constituency may not be held together in the same building as such arrangement would attract larger crowds outside the counting centre posing serious problems regarding the maintenance of law and order.

3.6 You should intimate to the Commission, for its approval, the place fixed for the counting of votes as soon as may be after the last date for the withdrawal of candidatures. The Commission will also fix the date and time for commencement of counting of votes and that day is usually common for all constituencies where poll has been held.

3.7 After you have obtained the approval of the Commission in regard to the date, time and place of counting, you should give notice of the same in writing to each candidate or his election agent. Such notice should be given in the forms prescribed by the Commission vide **Annexures XXXVIII or XXXVIII-A** as may be appropriate. This notice must be given to each candidate or his election agent at least one week before the date or first of the dates fixed for the poll in the constituency.

3.8 If, for any unavoidable reason, you are unable to proceed with the counting on the date or time or at the place so fixed and communicated to the candidates, you can postpone the counting and fix another date or time or, if necessary, another place for the counting of votes. You should intimate the Commission forthwith of any such change in the date, time or place of counting. In the case of change of place of counting, you should also obtain prior approval of the Commission. You should give notice of every change in writing to each candidate or his election agent.

3.9 The counting hall must be spacious enough to accommodate you, the counting personnel, the candidates and their agents. For this purpose, you should decide in advance the number of counting tables that you propose to provide in the counting hall.

3.10 There should be proper lighting arrangements. Stand-by arrangements like generator or gas light should be provided to tide over emergencies created by power failure. As far as practicable, the counting of votes in temporary structures should be avoided as dust storms or rains etc,



would affect the process of counting in such places. However, if it becomes unavoidable to arrange the counting in temporary structures, care should be taken to post security guards and fire brigades  
(or other arrangements for extinguishing fire) for emergencies.

3.11 In each counting hall, barricades should be provided for each counting table so that counting agents are prevented from handling the control unit. However, the counting agent must be provided all reasonable facilities to see the whole counting process at the counting table. This can be achieved by ensuring that barricades are transparent or that the space in between or above the bamboos or other material used for purpose of erecting barricades, is adequate to permit full viewing of the counting process. The exact manner in which barricades may be erected is left to the discretion of the Returning Officer who has to adopt such approach as he may deem fit for attaining the objective of ensuring that the agents, etc. do not get an opportunity of handling and/or tampering with the control units in any manner.

## **COUNTING AT DIFFERENT PLACES**

4.1 The counting of votes for the entire Assembly constituency should be done at one place under your direct supervision.

4.2 In the case of elections from a Parliamentary Constituency, the counting of votes may be done at different places for the various Assembly segments comprised in the Parliamentary Constituency. Such counting may be done under the supervision of your Assistant Returning Officers, as they are also legally competent to take up the counting.

4.3 If you decide to count the votes at more places than one in the case of Parliamentary Constituency, you should communicate that decision also to each of the candidates or his election agent sufficiently in advance so that they may also make their arrangements for attending such places of counting and appointing separate sets of counting agents for each such place of counting.

4.4 In case the number of contesting candidates is more than sixteen, you may, with the prior approval of the Commission, increase the number of counting halls even in respect of one Assembly Constituency or Assembly segments of a Parliamentary Constituency depending on the number of contesting candidates and the size of the counting halls, so that dispersal of counting agents can be made in such a manner as to avoid overcrowding in one counting hall. Such additional counting halls should be provided in the same building, as far practicable.

4.5 The law enables your Assistant Returning Officers also to count votes. If you are the Returning Officer for more than one Parliamentary or Assembly Constituency, your Assistant Returning Officers can take up the counting. Such counting should be arranged in near-by buildings so that you can keep an effective check at all such places of counting.

4.6 The Commission has directed that in the case of an Assembly Constituency, or an Assembly segment in case of Parliamentary Elections, counting of votes should in normal course be done in one HALL. In any event, the number of counting halls should not exceed TWO. If, for any peculiar reasons, more than two counting halls are considered necessary in any particular case, then specific prior approval of the Commission should be obtained, giving the reasons for which more  
than two Halls are considered necessary for a single Assembly Constituency or Assembly Segment. The proposals in this regard should be sent by you through the Chief Electoral Officer well in advance.

## **NUMBER AND ARRANGEMENT OF COUNTING TABLES**

5.1 Counting of votes should be done on tables arranged in rows. Decide in advance how many counting tables you are going to have at each place of counting. Upon that will depend the number of counting supervisors and counting assistants that you will need to appoint and the number of counting agents that each candidate will be entitled to appoint. The size of the counting hall, in most cases, will determine the number of counting tables at which the votes can be counted simultaneously.

[N.B. Separate sets of Control Units and Ballot Units are to be used for conducting simultaneous elections. Therefore, for the purpose of counting of the votes polled at simultaneous elections to Lok Sabha and State Assembly Constituencies, there will be two separate Control Units for each of the said elections.]

5.2 The number of counting tables should not exceed in any case the number as may be fixed by the Commission from time to time.

5.3 A layout of a model counting hall is given in **Annexure XXXIX**.

5.4 A layout of a model counting hall for simultaneous election is given in **Annexure XXXIX-A**.

#### **STATIONERY REQUIRED AT THE COUNTING TABLE**

6. Provide every counting table with the following stationery:-

- i. one ball-point pen of blue ink;
- ii. a knife for breaking open the seals;
- iii. accounts of votes recorded in Part I of Form 17C (in Part II of that Form the result of counting will be noted by the counting supervisor);
- iv. two sheets of paper.

#### **NUMBER OF COUNTING AGENTS**

7.1 Each candidate should be allowed to appoint as many counting agents as there are counting tables and one more to watch the counting at the Returning Officer's table.

7.2 A candidate for the Parliamentary election may also appoint one more counting agent to attend to the counting of postal ballot papers at the place fixed for the purpose by the Returning Officer of the Parliamentary Constituency if such counting is done at a place different from the counting hall for any Assembly segment of the Parliamentary Constituency.

#### **LETTERS OF APPOINTMENT OF COUNTING AGENTS**

8.(a) Inform the candidate about the number of counting agents they can appoint. A candidate may appoint all his counting agents by a single letter in Form 18 suitably modified. In that case, all the agents should also have signed the letter in token of their acceptance of the appointment and should sign the declaration later in your presence.

(b) Irrespective of the number of contesting candidates, you should obtain the list of counting agents with their photographs from all the contesting candidates by 1700 hours on the day three days prior to the date fixed for counting of votes. On furnishing of such list with photographs, the photo identity cards of the counting agents should be issued to the contesting candidates then

and there under your seal and signature. On the date of counting of votes only those counting agents who are holding the identity cards issued by you will be allowed inside the counting hall. All the contesting candidates of the constituency and political parties should be informed well in advance of the aforesaid arrangements.

### **SEATING ARRANGEMENTS FOR THE COUNTING AGENTS**

8(c) The Commission has directed that the seating arrangements for the counting agents of candidates at the counting tables will be arranged by the following categories of priority:-

- i. Candidates of recognised National parties;
- ii. Candidates of recognised State parties;
- iii. Candidates of recognised State parties of other States who have been permitted to use their reserved symbols in the Constituency;
- iv. Candidates of registered-unrecognised political parties; and
- v. Independent candidates.

### **BADGES FOR COUNTING AGENTS**

9.1 Each counting agent may have a badge indicating whose agent he is and the serial number of the table at which he will watch the counting. Each counting agent should affix his signature in full on the badge immediately after it has been issued to him. He should keep seated near the table allotted to him and should not be allowed to move about all over the hall. The extra counting agent may sit and watch the proceedings at your table. However, as far as possible in order to avoid overcrowding at your table, only one person whether the candidate himself or his election agent or his counting agent should be present at a time at that table on behalf of a contesting candidate.

9.2 The candidates and their election agents will be free to go round to any part of the hall. In the absence of both the candidate and his election agent, his extra counting agent at your table may be allowed to go round to any part of the hall.

### **APPOINTMENT AND RANDOMIZATION OF COUNTING PERSONNEL**

10.1 You may appoint such staff as you may require for assisting you in the counting. Such appointments may be made in the form given in **Annexure XL**.

10.2 You should appoint as counting supervisors only gazetted officers of the Central or State Government or officers of comparable status from Central/State Government undertakings. The counting assistants also should similarly be drawn from officers of a comparatively higher level. They should be given intensive training in counting.

10.3 You should not appoint as counting supervisor or as counting assistant any one who has been employed by or on behalf of, or has otherwise been working for a candidate in or about an election.

10.4 In order to ensure a higher level of transparency in the counting process, the posting of Counting Supervisors and Counting Assistants must be done randomly in such a way that the counting official come to know of the Assembly Constituency and the table assigned to them only

at the time of their arrival at the Counting Center on the day of the counting. Detailed instructions in this regard may be seen in **Annexure XL-A**.

10.5 At each table there should be one counting supervisor and one counting assistant.

10.6 In addition, appoint sufficient number of Group D Government employees also as counting assistants to carry the voting machines to and from the counting tables.

10.7 Counting personnel appointed for the purpose of counting for simultaneous elections should have a very clear understanding of the layout of the counting hall as well as the tables meant for counting of votes of Assembly election and Lok Sabha election.

10.8 In case of simultaneous poll, there shall be a separate set of officials entrusted with the duty of supply of control units to the respective tables. Under no circumstances a control unit used for recording the votes of Assembly election, shall be supplied to the table meant for counting of votes for Lok Sabha election and vice-versa.

### **PERSONS ALLOWED IN THE COUNTING HALL**

11.1 Only the following persons can be allowed inside the counting hall

- i. counting supervisors and counting assistants;
- ii. persons authorised by the Election Commission;
- iii. public servants on duty in connection with the election; and
- iv. candidates, their election agents and counting agents.

11.2 Before counting begins see that no one else is present in the room.

11.3 You should note that expression of “public servant on duty in connection with election” does not normally include police officers; such officers whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside the counting hall, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the counting hall without any compelling reason has on occasions given rise to complaints by some candidates or parties who have alleged that their agents have been overawed by an unnecessary show of force.

11.4 You should also note that the above expression public servant on duty in connection with election does not include the Ministers, State Ministers and Deputy Ministers of the Union and the States. They can come inside the counting hall only as candidates. According to the latest instructions of the Commission, they cannot be allowed to be appointed as election agents or counting agents as they have to be escorted by their security guards who can not be allowed entry into the counting hall.

11.5 You should note that no counting agent is to be admitted into the place fixed for counting, unless he has delivered to you the second copy of his appointment letter after duly completing and signing the declaration contained therein, and has been issued by you an authority for such entry. Similarly the election agents of the candidates may also be asked to produce the attested duplicate copy of their appointment letters.

11.6 Entry of persons should be strictly regulated as detailed above. No unauthorised person should be allowed to enter the place of counting in any circumstance.

[N.B. No security personnel accompanying the candidates or their agents should be permitted to enter the counting hall.]

## **MAINTENANCE OF DISCIPLINE AND ORDER AT COUNTING**

12.1 In the performance of your duties, you are only bound by the instructions of the Election Commission. You are not to take orders from or show any favour to your official superiors or political leaders including Ministers. Even in the matter of request for entry into the counting hall from these, you should allow them only if they are in possession of a valid authority letter issued by the Commission.

12.2 If you or the Assistant Returning Officer or other officers have a reasonable doubt about the presence of any person in the counting hall, you can have him searched, if necessary, even though the person concerned may be in possession of valid authority letter to enter the place of counting.

12.3 Post police constables on duty at the door or doors of the counting hall. Do not allow any person to enter or leave the room without your permission. You must ensure that complete order and discipline prevail and counting takes place in a business like manner. You may send out of the counting hall any person who persists in disobeying your directions.

12.4 You should not allow smoking inside the counting hall. The persons may go out, if they desire to smoke, without, however, causing any dislocation in the counting process.

## **COMMENCEMENT OF COUNTING – WARNING ABOUT MAINTENANCE OF SECRECY**

13. Commence the counting at the hour fixed for the purpose. Everyone present in the counting hall should be instructed to maintain secrecy of vote. For that purpose, the provisions of section 128 of the Representation of the People Act, 1951 should be brought to the notice of everyone by reading that section aloud.

## **COUNTING OF VOTES RECEIVED BY POST**

14.1 Under the law (rule 54A) the postal ballot papers are to be counted first. You should first deal with the postal ballot papers.

14.2 Covers in Form 13-C containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed, noting thereon the appropriate particular.

14.3 The covers in Form 13C received in time should be opened one after another. As each cover is opened, you should take out the declaration in Form 13-A and the cover in Form 13-B and scrutinize the declaration. If the declaration in form 13-A is not found in the cover or the declaration has not been duly signed and or not attested by an officer competent to do so or is otherwise substantially defective or if the serial number of ballot paper appearing in the declaration is different from the serial number on the cover in Form 13-B, the cover containing the postal ballot paper should not be opened but the ballot paper should be rejected. Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed in the cover in form 13-C. All such covers in Form 13-C should be kept together in a separate packet duly sealed and full particulars such as the name of the constituency, the date of counting and a brief description of contents should be noted thereon for easy identification. All the declarations in Form 13-A which have been found to be in order, should then be kept in separate packet in order to ensure that the secrecy of the postal ballot is kept inviolate. The packet should then be sealed

noting thereon the particulars regarding the name of the constituency, the date of counting and brief description of the contents. This should be done before the covers in Form 13-B containing the ballot papers are opened.

14.4 Thereafter the covers in Form 13-B should be opened one after another and the validity of the ballot papers scrutinized and decisions arrived at. A postal ballot paper should be rejected.

- i. if no vote is recorded thereon; or
- ii. if votes are given on it in favour of more candidates than one; or
- iii. if it is a spurious ballot papers; or
- iv. if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- v. if it is not returned in the cover sent along with it to the elector by you; or
- vi. if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given; or
- vii. if it bears any mark (other than the mark to record to vote) or writing by which the voter can be identified.

14.5 There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to that candidate should be taken as a valid vote in favour of the candidate concerned. Again a vote recorded on a postal ballot paper should not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote should be for a particular candidate clearly appears from the way the ballot paper is marked.

14.6 The valid votes should then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate should then be calculated, entered in the Result Sheet in Form 20 in the appropriate place and announced for the information of the candidates.

14.7 Thereafter, all the valid ballot papers and all the rejected ballot papers should be separately bundled and kept together in a packed and sealed with your seal and the seals of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon. The particulars such as the name of the constituency, the date of counting and a brief description of the contents should be recorded on the sealed packet for identifying it. Covers in Form 13-C referred to in sub rule (2) of Rule 54(A), i.e. received late, should be sealed separately with endorsement on the top of the packet.

## **COUNTING OF VOTES RECEIVED BY POST FOR PARLIAMENTARY CONSTITUENCY**

15. The Assistant Returning Officer for the Parliamentary Constituency who will count the votes polled at a component Assembly Constituency, will have nothing to do with the votes received by post for the Parliamentary Constituency. According to rule 65 of the Conduct of Elections Rules, 1961, if votes are counted at more places than one (as in most cases they will be in the case of Parliamentary election), the provisions of rule 54-A of the said ruled will apply only to the counting at the last of such places. It is possible to regard the place at which the Returning Officer finally counts and declares the result as the last place of counting in point of

time. In other words, the procedure for you as the Returning Officer of that Parliamentary Constituency will be to get Form 20 result sheet duly completed from your Assistant Returning Officers, then take up the counting of postal ballot papers as provided in rule 54-A and then proceed under rules 63 and 64 of the Rules.

### **COUNTING OF VOTES RECORDED IN VOTING MACHINES**

16. You may have the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such machines counted simultaneously.

### **SCRUTINY AND INSPECTION OF CONTROL UNITS**

17.1 While you are engaged in counting the votes received by post, the work of distribution of control units of voting machines on the various counting tables can be done. Distribution of control units to the counting tables should be done in the serial order of the polling stations, that is to say, in the first round of counting control unit used at polling station number 1 should be given to counting table number 1, that of polling station number 2 to counting table number 2, and so on. Similarly, for counting of votes for simultaneous elections, in the first round of counting, control unit for Assembly election used at polling station number 1 should be given to table number 1 and the control unit used for Lok Sabha election at polling station number 1 should be given to table number 8, i.e., the first table for the counting of votes for Lok Sabha election, and so on. Keep an account of such distribution with you for your information.

17.2 At the time of counting, only the control unit of the voting machine is required for ascertaining the result of poll at the polling station at which the control unit has been used. The ballot unit is not required. Nevertheless, the ballot units received from the polling stations should be kept along with the control units polling station-wise at the storage centre as is done in the case of the polled ballot boxes received from the polling stations. However, as mentioned above, only the control unit of the voting machine may be taken to the counting table. The ballot unit may be taken to the counting hall only if its inspection becomes necessary in any particular case on demand by any candidate or his agent or otherwise.

17.3 Along with the control unit used at a polling station, the relevant Account of Votes Recorded in Form 17C pertaining to that polling station should also be supplied to the counting table.

### **CHECKING SEALS ON CONTROL UNITS**

18. Before the votes recorded in any control unit of a voting machine are counted, the candidates or their election agents or their counting agents present at the counting table shall be allowed to inspect the outer strip seal, the special tag, the papers seals and such other vital seals as may have been affixed on the carrying case and the control unit and to satisfy themselves that the seals are intact. You shall also satisfy yourself that none of the voting machines is tampered with. If you are satisfied that any voting machine has in fact been tampered with, you shall not count the votes recorded in that machine and shall follow the procedure laid down under paras 29 and 30 as may be applicable in respect of the polling station where that machine was used.

### **OPENING OF CARRYING CASES OF CONTROL UNITS**

19.1 The control units are received from the polling stations duly kept and sealed in their carrying cases by the Presiding Officers. As each carrying case is brought to the counting table, the seals put thereon by the Presiding Officer at the polling station should be examined. Even if the seal of a carrying case is not intact in any case, the control unit kept therein could not have been tampered with if the seals thereon and particularly the paper seals on that unit are intact.

19.2 Remove the seals from the carrying case, take out the control unit and place it on the counting table for the inspection and checking of seals thereon by the candidates or their agents present at the counting table.

#### **CHECKING OF SEALS AND IDENTITY MARKS ON THE CONTROL UNIT**

20. As each control unit is taken out of the carrying case, check its serial number and satisfy yourself that it is the same control unit which was supplied by you to the Presiding Officer for use at that polling station. Then, check the Outer Strip Seal, the seal on the Candidate Set section of the control unit which had been put at your level before the supply of the machine to the polling station and Special Tag which must have been put by the Presiding Officer at the polling station. Even if any of these seals is not intact the control unit could not have been tampered with if the paper seals put on the inner cover of the Result Section are intact.

#### **COMPARISON OF THE SERIAL NUMBER OF THE PAPER SEAL**

21.1 Remove the outer strip seal and the seal on the outer cover of the Result Section and open that cover. On opening the outer cover of the Result Section you will see the inner cover sealed with the special tag and seal of the Presiding Officer. Check this seal also. Even if the seal is not intact, the control unit could not have been tampered with if the paper seal is intact and has not been tampered with. In the inner cover of the Result Section, there will be a green paper seal (two green paper seals in the case of machines manufactured before 2006 by Bharat Electronics Limited). Instructions have been issued in the previous chapter that the green paper seal should be so fixed that the two open ends of the seal project outwards from the sides of the inner compartment in which the result buttons are located. On one such open end of the paper seal will be the printed serial number of that seal. That serial number on the paper seal should be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in Item 9 of Part I of Form 17C. Allow the candidates or their agents present at the counting table also to compare such serial numbers of the paper seal and special tag and satisfy themselves that the paper seal and special tag are the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.

21.2 If the serial number of the paper seal actually used in the control unit does not tally with the serial number as shown by the Presiding Officer in the paper seal account, it may be that the paper seal account contains a mistake or there would be a prima facie suspicion that the voting machine has been tampered with. Decide the question by checking the serial numbers of the unused paper seal returned by the Presiding Officer and other relevant circumstances including complaints, if any, made by the candidates or their agents at the polling station. If you find it to be the case of clerical mistake, ignore the discrepancy.

#### **CONTROL UNITS TO BE KEPT APART IF FOUND TAMPERED WITH**

22. On the other hand, if you are satisfied that the voting machine has been tampered with, or is not the same which was supplied for use at that polling station, the machine should be kept apart and the votes recorded therein should not be counted. You should report the matter to the Commission by following the procedure mentioned in paras 24-30 below. Under the law, it is not necessary to adjourn the entire counting if any voting machine has been found by you to have been tampered with. You should, therefore, proceed with the counting in respect of the other polling stations.

#### **ASCERTAINING THE RESULT**

23.1 After satisfying that the paper seal is intact, the control unit is the same as was supplied at the polling station and there is no tampering with the same, the votes recorded therein shall be



counted. It is to be noted that in the case of counting for simultaneous elections, the next round of counting shall be taken up only after the counting in the previous round, in respect of both Assembly and Parliamentary elections is completed and Control Units used in the polling stations covered by the round completed are removed from the counting tables. For counting of votes recorded in the machine, the following procedure should be followed:-

- i. Switch 'on' the control unit by pushing the power switch provided in the rear compartment to 'on' position. The On' lamp in the Display Section of the control unit will then glow green.
- ii. Pierce the paper seal over the Result I Button provided below the upper aperture of the inner cover of Result Section.
- iii. Press the Result I Button.
- iii. At the Result I Button being so pressed, the total number of votes recorded for each candidate the polling station shall be displayed automatically in the Display Panels of the control unit. Supposing, there are nine contesting candidates and the total number of votes polled at the polling station is 758, the votes secured by each candidate will be displayed on the Display Panels in the following sequences:-

cd	9
to	758
01	109
02	59
03	77
04	263
05	38
06	02
_____	_____

(This is only an example)

[N.B. Result II Button is not used as for a simultaneous poll a separate CU is used.]

- v. Note down the above result as displayed sequentially candidate-wise in 'Part II - Result of Counting' of Form 17C.

23.2 If required, press the Result I Button again to enable the candidates and/or their agents to note down the above result.

23.3 After the result has been noted, close the cover of Result Section and switch 'OFF' the control unit.

### **COMPLETION OF PART II - RESULT OF COUNTING OF FORM 17C**

24.1 As the votes secured by each candidate are displayed on the Display Panels of the control unit, the counting supervisor should record the number of such votes separately in respect of each candidate in 'Part II - Result of Counting' of Form 17C. He should also note down in the said Part II of Form 17C whether the total number of votes as shown in that Part tallies with the total number of votes shown against Item 5 of Part I of that Form or any discrepancy has been noticed between these two totals. After completing that form in all respects, the counting supervisors should sign it. He should also get it signed by the candidates or their agents present at the counting table.

24.2 After the counting supervisor has duly filled-in Part II of Form 17C, signed it and got it signed by the candidates or their agents, he should handover that Form to the Returning Officer. The Returning Officer should countersign the Form after satisfying himself that the same has been properly filled and completed in all respects. The Form so countersigned by the Returning Officer should be sent to the officer who is compiling the final result and preparing the Final Result Sheet in Form 20.

24.3 As per the instructions issued earlier, after each round of counting, the Returning Officer would do the tabulation of the round based on the table wise result provided by the Counting Supervisors. The table wise result of the round is to be countersigned by the Observer before the Returning Officer announces the result of the round. The total etc. done manually may be tallied by entering all the counting data in an Excel sheet and computing the total.

### **PREPARATION OF FINAL RESULT SHEET For cross verification of**

25.1 The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 should make entries on that Form showing the votes polled by each candidate polling stationwise strictly in accordance with the entries made in 'Part II Result of Counting' of Form 17C in respect of each polling station. The number of tendered votes polled, if any, at a polling station should also be noted in the appropriate column in Form 20 against the polling station concerned.

Tendered votes are not counted.

25.2 The entries so made in Form 20 in respect of each polling station should be announced so that the candidates and their agents may take note of the result of counting in respect of each polling station. Alternatively you may cause the entries made in Form 20 to be written on a black-board. This will enable you to proceed uninterruptedly with the counting of votes at other polling stations.

### **COMPLETION OF FINAL RESULT SHEET**

26.1 If you are counting the votes of an Assembly constituency, you have to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

26.2 After the total number of votes polled by each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and residual votes.

26.3 While striking this grand total, the entire Final Result Sheet should be carefully checked and it must be ensured that entries have been made therein in respect of each and every polling station and that the Form is not incomplete in any respect.

26.4 If the Commission has directed a fresh poll at any polling station, only the result of counting in respect of the fresh poll should be incorporated in the Result Sheet. The grand total should not be struck until the result of counting in respect of such fresh poll has been incorporated in the Result Sheet.

26.5 The grand total should also be correctly struck as any incorrect totaling may materially affect the result of election and the declaration of result which has to be made on the basis of this Form. Any discrepancy in that Form will be very seriously viewed by the Commission and will invite severe disciplinary action.

26.6 If you are counting the votes of an Assembly segment of a Parliamentary constituency, you shall prepare the Result Sheet in respect of your Assembly segment in Part I of Form 20. Part II of that form will be completed by the Returning Officer by consolidating the Result Sheets of all the Assembly segments. You are not required to show in Part I of Form 20 the number of votes polled by the candidates by means of postal ballot papers as the counting of such votes will be done by the Returning Officer for the Parliamentary Constituency and the result of voting of postal ballot papers will be recorded by him in Part II of the said Form 20.

26.7 Immediately on the completion of counting of votes of an Assembly segment of a Parliamentary Constituency, Result Sheet in Part I of Form 20, all the relevant Forms 17C and all other papers and records relating to the counting of votes should be forwarded to the Returning Officer for the Parliamentary Constituency for consolidation of the result and completion of the Final Result Sheet in Part II of Form 20.

26.8 If you are the Returning Officer for the Parliamentary Constituency, on receipt of Result Sheets in Part I of Form 20 from your Assistant Returning Officers, you should incorporate the result in respect of each Assembly segment in the Final Result Sheet in Part II of the said Form 20. You shall also record the result of counting of postal ballot papers in the said Part II of Form 20. Then, strike the grand total of the votes received by each candidate (both the votes recorded in the voting machines at the polling stations and the postal ballot papers), rejected postal ballot papers and tendered votes.

26.9 A sample Final Result sheet duly completed in Form 20 is given at **Annexure XLI**.

## **RECOUNT**

27.1 Normally, there will be no question of recount of votes recorded in the voting machines. Every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise. At the most, some candidates or their agents may not have noted down properly the result of voting at any particular polling station when the control unit displayed that information. If necessity arises for re-verification, the same can be done by pressing the Result Button, whereupon the result of voting at that polling station will again be displayed in the Display Panels of that control unit.

27.2 Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in rule 63 of the Conduct of Election Rules, 1961, still apply in relation to your constituency. Accordingly, when the counting is complete and the Final Result Sheet in Form 20 has been prepared, you should announce the total number of votes polled by each candidate as entered in the Final Result Sheet. You should then pause for a minute or two. If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, you should ascertain from him as to how much time he

would require for making an application for recount in writing. If you consider that the time applied for is reasonable, allow it and announce the exact hour and minute upto which you will wait for receiving the written application for recount. You should not sign the Final Result Sheet in form 20 until after the expiry of the time so announced.

27.3 When an application for recount is made, you should consider the grounds urged and decide the matter. You may allow the application in whole or in part if it is reasonable or you may reject it in toto, if it appears to you to be frivolous or unreasonable. Your decision will be final, but in every case you should record a brief statement of your reasons for your decision.

27.4 If in any case, you allow an application for recount either wholly or in part, you shall have the votes recorded in the voting machines counted over again in accordance with your decision. The postal ballot papers will also be counted over again if so decided by you. After the recount, correct the final result sheet to the extent necessary. Announce the amendments so made, if any, by you. After the total number of votes polled by each candidate after recount has been announced by you, complete and sign the Result Sheet.

27.5 As the Returning Officer, your duty is to count accurately the votes and you have therefore always the right to order your staff to recount the votes. But the right of a candidate to demand a recount under rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a prima facie case that the return was not accurate and recount is necessary in the interest of justice.

27.6 It would be unreasonable to demand second recount if the first recount showed only minor variations from the first count and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the margin between first two candidates is close and where previous recount has shown differing results.

27.7 But you would be justified in refusing a further recount when the previous recount showed the same result even if the difference between the contesting candidates may be very small.

[N.B. No candidates has a right to demand a recount after you have completed and signed the Final Result Sheet. Reject any demand for any recount of votes after you have completed and signed the Final Result Sheet.]

27.8 If votes are counted at more places than one, according to rule 65 of the Conduct of Elections Rules, 1961, the demand for recount of votes can be made only at the end of counting in the last place fixed for the purpose. Thus, in the case of Parliamentary Constituency, the recount can be demanded only at the place where the Returning Officer counts the postal ballot papers and completes Part II of the Final Result Sheet in Form 20 and not at the places where the votes have been counted Assembly segment-wise.

27.9 As mentioned above, if votes are counted at more places than one, the recount can be demanded at the last place fixed for the purpose. This would be very inconvenient as the voting machines and all relevant papers would have to be taken to the last place of counting and in that way it will defeat the entire effort and the whole purpose of spreading out the counting at different places. Though generally it is intended that a recount of votes of a particular polling station should be done only after the counting for the entire constituency is over, if any doubt is expressed by any candidate immediately after the counting of votes at any polling station is over, it is desirable that you check up again. This is strictly not a recount but a check which will satisfy all the candidates.

## **ADJOURNMENT OF COUNTING**

28. You should proceed with the counting at each place continuously. In case you have to suspend or adjourn the counting before its completion for any unavoidable reason, seal up all the voting machines and also all other papers relating to elections. Allow every candidate or his agent, if he so desires, to place his seal on every voting machine and packet, etc., in which the election papers are kept.

[N.B. It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with your seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to yours on such room.]

28.A The observers appointed by the Commission under section 20B of the Act have the power to direct you to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the observer booth capturing has taken place at a large number of the polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of your custody or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station or place cannot be ascertained. In such case, the observers have no power to order re-commencement of the counting. It will recommence only on the order of the Commission.

#### **PROCEDURE TO BE FOLLOWED IN CASE OF DESTRUCTION, LOSS, ETC., OF VOTING MACHINES BEFORE COMPLETION OF COUNTING**

29. Under the law (Section 64A) the Commission is competent to direct, after taking all material circumstances into account, the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that the voting machine used at a polling station has been

- i. unlawfully taken out of his custody, or
  - ii. accidentally or intentionally destroyed or lost, or
  - iii. damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained. If any such occasion arises, you should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.
- PROCEDURES TO BE FOLLOWED IN THE CASE OF BOOTH-CAPTURING AT THE COUNTING CENTRE**

30.1 Under Section 58A(b) of the Representation of the People Act, 1951 as inserted w.e.f. 15.03.1989, if booth-capturing takes place at any place of counting in such a manner that result of the counting at that counting centre cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission.

30.2 On receipt of the report of the Returning Officer, the Commission shall, after taking all material circumstances into account, either direct a repoll at the affected polling stations or countermand the election. Therefore, once you have reported the matter to the Commission, under section 58A, await its directions in this regard and proceed further according to its directions when received.

#### **COUNTING AFTER REPOLL**

31. If any repoll has been held at a polling station in accordance with the directions given by the Commission, you should fix the date, time and place for counting the votes recorded in such repoll and give notice of the same in writing to every candidate or his election agent. You should follow the same procedure as detailed above for such further counting as far as it is applicable.

#### **RESEALING OF VOTING MACHINES AFTER COUNTING**

32.1 After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II - Result of Counting of Form 17C and in the Final Result Sheet in Form 20, the control unit is required under rule 56C of the Conduct of Elections Rules, 1961, to be resealed with the seal of the Returning Officer and the seals of such of the candidates or their election agents who may desire to affix their seals thereon. The resealing has however to be done in such a manner that the result of voting recorded in the control unit is not obliterated and the unit retains the memory of such result.

32.2 The aforesaid resealing of control units should be done in the following manner:-

i. Remove the battery from the Candidate Set Section of the control unit by removing the seal. After the removal of the battery, the cover of the Candidate Set Section should be resealed.

[N.B. Removal of the battery is necessary so that it does not leak with the passage of time and damage the machine. Removal of the battery will not however obliterate the result of voting recorded in the control unit as the unit will retain its memory even without the battery.]

ii. Close the outer cover of the Result Section and reseal it.

iii. Keep the control unit so resealed in its carrying case.

iv. Reseal the carrying case.

v. Attach firmly to the handle of the carrying case an address tag containing the following particulars:-

a) particulars of the election;

b) name of the constituency;

c) the particulars of polling station where the control unit has been used;

d) serial number of the control unit;

e) date of poll;

f) date of counting;

vi. Put a secret seal of the Commission in addition to your own seals, on all the abovementioned seals. Allow the candidates or their agents also to put their seals if they so desire.

32.3 The control units so resealed should be kept in specially prepared bigger boxes for safe storage.

32.4 The ballot units must have been received by you from the polling stations duly sealed and secured in their carrying cases by the respective Presiding Officers. Normally, these units will not require to be opened at the time of counting. If any ballot unit is taken out of its carrying case for inspection or verification at the time of counting, it should be kept back in its carrying case after such inspection or verification and sealed.

32.5 The ballot units should also be kept in specially prepared bigger boxes for safe storage. All the control units and the ballot units used at the election are thus ready for transportation to the place of storage.

### **SAFE CUSTODY OF VOTING MACHINES**

33. Under sub-rule (1A) of rule 92 and sub-rule (1A) of rule 93 of the Conduct of Elections Rules, 1961, the voting machines sealed as above under rule 57C shall be kept in the safe custody of the District Election Officer and shall not be opened or inspected by or produced before any person or authority except under the orders of a competent court. The machines so sealed shall be retained intact for such period as the Commission may direct and shall not be

used for next election without the prior approval of the Commission under clause (aa) of rule 94 of the said rules.

## **SEALING OF OTHER ELECTION PAPERS FOR ENSURING SAFE CUSTODY**

34.1 Apart from the voting machines, there are several other important election papers which require to be sealed and secured for safe custody and storage. Under rule 93(1) of the Conduct of Elections Rules, 1961, the packets of election papers specified therein shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent Court. Special care has thus to be taken for the safe custody of these papers. These papers are as follows where voting machines are used:-

- i. the packets of Registers of Voters in Form 17A, including the voter slips.
- ii. the packets of unused postal ballot papers with counterfoils attached thereto;
- iii. the packets of used postal ballot papers whether valid, or rejected (including the packets in which covers containing postal ballot papers received late are kept);
- iv. the packets of the counterfoils of used postal ballot papers;
- v. the packets of used and unused tendered ballot papers;
- vi. the packets of unused (surplus) ballot papers (printed for display on ballot units and for use as tendered ballot papers);
- vii. the packets of the marked copies of the electoral roll; and
- viii. the packets of the declarations by electors and the attestation of their signatures.

34.2 In view of the important nature of these election papers, the Commission has directed that these papers should also be sealed with the secret seal of the Commission.

34.3 The papers mentioned at items (iii) and (viii) above shall be made into packets at the time of counting. Such packets shall be sealed by you with your own seal immediately after the counting of the votes is over and with special secret seal which will be supplied by the Commission for the election for each constituency. The secret seal will be in addition to the seals, if any, put on these packets by such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. You should point out to the candidates or their agents present that it is in their own interest to affix their seals on these packets to avoid any possibility of tampering with these packets. They may also be permitted to note the number of the Commission's secret seal used.

34.4 The packets of papers mentioned at items (i), (v) and (vii) in para 34.1 above will be received from the Presiding Officers of the polling stations in duly sealed packets. As these packets are not required for any purpose at the time of counting of votes, each of them should be immediately sealed with the secret seal of the Commission as soon as they are received at the receiving centre and placed in steel trunk(s).

34.5 You should put a responsible Officer-in-Charge for the supervision of the sealing of all packets. Otherwise, there is possibility of important election papers going astray which would create complications and confusion if and when a competent Court orders the production of these papers.

34.6 Each steel trunk shall be locked with two locks and each lock shall be sealed. You should ensure that the secret seal of the Commission is put on packets only and not on any of the locks of the steel trunk or trunks.

#### **DRAWING UP OF PROCEEDINGS**

35.1 After the sealing of the voting machines and election papers at the counting place after the counting of votes, you should draw up proceedings mentioning therein:-

- i. the full particulars of the candidates/agents present in the counting hall;
- ii. the fact that they were asked to affix their seals on the voting machines and packets of election paper, if they so desired; and
- iii. the particulars of persons who had affixed their seals on the voting machines and packets and the particulars of those persons who had refused to do so.

35.2 Then, you should sign the proceedings and obtain on it the signatures of such of the candidates/agents as are present and willing to sign. The proceedings should be put inside an envelope which should be sealed and the sealed envelope be kept along with the packets of election papers.

#### **SAFE CUSTODY OF ELECTION RECORDS BY DISTRICT ELECTION OFFICER**

36.1 Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the voting machines and the sealed trunks(s) containing the packets mentioned in para 34.1 should be dispatched to the District Election Officer at his headquarters and on receipt of the voting machines and the sealed trunks(s) the District Election Officer should forthwith arrange to deposit them for safe custody in the Treasury/Sub-treasury under double lock. The key of one of the locks of each trunk will be entrusted to the Treasury Officer or an Officer in the Treasury/Sub-treasury authorised under the Treasury Code and the key of the other lock of each trunk should be kept by the District Election Officer himself or a senior officer nominated for the purpose by the District Election Officer/you.

36.2 The armed police guard posted at the room where the voting machines are stored before the counting of votes, should not be removed after the counting is over, but should continue to keep guard of the room till the transport of the voting machines and election records to the District Headquarters. As far as possible, the same guard should be used for protection during the transport also, and this fact should be mentioned in the log book maintained by the guard.

#### **RETURN OF SECRET SEAL OF THE COMMISSION**

37. After the packets required to be sealed with the secret seal of the Commission are sealed, the secret seal or seals should be put into a separate packet which should be sealed with the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. thereafter, the packet containing the secret seal of the Commission should be returned immediately to the Commission by registered insured post and in any case not later than 24 hours after the counting of the votes is completed. If more than one seal had been supplied, the name of the constituency and the number of the seal that was used should be indicated.



## CHAPTER XV

# DECLARATION AND PUBLICATION OF RESULT OF ELECTION

### INTRODUCTORY

1.1 After the counting has been completed in all respects you have to proceed to make the formal declaration of result of election.

1.2 Before proceeding to do so, you must, however, verify and satisfy yourself that there is no case of any kind which requires to be referred to the Election Commission for its directions and that there is no general or special direction from the Commission's observers to withhold the declaration of result in your constituency. If that be so, send a detailed report to the Commission forthwith giving all required information and obtain its prior approval before making the declaration of result.

### DECLARATION OF RESULT

2.1 After you have obtained the necessary approval of the Commission, wherever required, to declare the result, you should complete and sign the Result Sheet in Form 20 appended to the Conduct of Election Rules, 1961. The candidate to whom the largest number of valid votes have been given should then be declared elected.

### EQUALITY OF VOTES

3. If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will have to be declared by draw of lot. *Example* – If in a constituency A, B, C and D are the contesting candidates and the total number of votes they have secured is as follows:

A–12703

B–17567

C–17567

D–16394

A lot will be drawn between B and C who have each polled the highest number of votes and which are equal. The name of whichever of them is drawn will be declared elected.

### FORM OF DECLARATION OF RESULT

4.1 The formal declaration of result should be made by you either in Form 21C or Form 21D of the Conduct of Elections Rules, 1961, as may be appropriate. The declaration shall be made in Form 21C in the case of General election. In the case of a bye-election to fill, a casual vacancy, the declaration shall be made in Form 21D.

4.2 The date to be given in the declaration should be the date on which result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

### AUTHORITIES TO WHOM COPIES OF DECLARATION SHOULD BE SENT

5. Immediately after the declaration of result, you should send copies of the declaration of result in Form 21C or 21D. as the case may be, to :

- i. Election Commission;
- ii. Chief Electoral Officer of the State;
- iii. (a) Union Ministry of Law and Justice (Legislative Department), New Delhi;
- (b) The Secretary General of the Lok Sabha, New Delhi (in the case of election to the House of the People);

OR

- (a) The State Government;
- (b) The Secretary to State Legislative Assembly (in the case of election to the State Legislative Assembly.)

### **AUTHORITIES TO WHOM COPIES OF RETURN OF ELECTION SHOULD BE SENT**

6.1 When you have declared the result of election in the manner indicated above, you should complete and certify the return of Election in Form 21-E of the Conduct of Election Rules, 1961. Forward signed copies of the return to:

- (i) the Election Commission;
- (ii) the Chief Electoral Officer of the State.

6.2 If any candidate or his agent wants to take a copy or an extract from this return, he should be permitted to do so. You may supply a copy of such return to an applicant on payment of fee of Rs. 2/- [Rules 93(3)].

### **REPORT OF RESULT OF ELECTION**

7.1 You should intimate by an immediate Fax, the result of election as soon as the same has been declared, to: –

- (i) the Election Commission of India, New Delhi (Fax No. 23713412);
- (ii) the Director of New Services, All-India Radio, New Delhi;
- (iii) A.I.R. Station in the Headquarters of the State;
- (iv) The Director, Doordarshan Kendra, Parliament Street, New Delhi-110001;
- (v) Doordarshan Kendras concerned, if any, in the headquarters of the State;
- (vi) The information Officer, P.I.B., New Delhi;
- (vii) The Ministry of Law, Justice and Company Affairs (Legislative department), New Delhi (in respect of election to the House of the People);

OR

The State Government; (In respect of election to be State Legislative Assembly)

(viii) The Secretary General, Lok Sabha, New Delhi (in respect of election to the House of the People);

OR

The Secretary of the State Legislative Assembly (in respect of the election to the State Legislative Assembly);

(ix) The Chief Electoral Officer of the State.

7.2 The fax may be addressed to the Commission and repeated to the other address at (ii), (iv), (vi) and (vii).

7.3 The message communicating the result should indicate the following particulars;

(i) serial number and name of the constituency (State, Parliamentary/Assembly) as given in Delimitation of Parliamentary and Assembly Constituencies Order;

(ii) total number of electors in the constituency;

(iii) total number of votes polled;

(iv) number of votes rejected;

(v) names of contesting candidates with their party affiliations and votes polled by each; and

(vi) name of the candidate declared elected.

7.4 You should further ensure that whenever you refer to a woman candidate in telegram/message communicating the result you should prefix her name with 'Kumari' or 'Srimati', as the case may be, so that it should definitely be understood that the candidate is a woman.

7.5 You should also ensure that figures of votes which are mentioned while reporting the result are given in words and not in numerals as the later are likely to be mutilated during transmission.

### **SAMPLE FAX MESSAGE**

8. To secure uniformity in communicating the result of election and ensure economy in expenditure you should adopt the specimen form of telegram given below or adopt it suitably:-

#### **SPECIMEN FAX MESSAGE**

IMMEDIATE

To: The Secretary  
Election Commission of India  
New Delhi

From: Returning Officer  
..... Constituency  
..... (State)

ELECTION AAA WEST BENGAL 40 RATUA ASSEMBLY CONSTITUENCY ELECTORATE  
FORTY-EIGHT THOUSAND AND FIFTY STOP VALID VOTES POLLED TWENTY-FOUR

THOUSAND FOUR HUNDRED FIFTY-TWO STOP VOTES REJECTED TWO HUNDRED STOP  
MAHADEB CHANDRAKUMAR CONGRESS FOUR THOUSAN TWENTYSEVEN KESHAB  
CHANDRA INDEPENDENT EIGHTEEN THOUSAND SIX HUNDRED FIFTY-FIVE DWARIKA  
PATHAK INDEPENDENT ONE THOUSAND SEVEN HUNDRED SEVENTY STOP KESHAB  
CHANDRA INDEPENDENT DECLARED ELECTED STOP.  
RETURNING OFFICER

### **CERTIFICATE OF ELECTION**

9.1 As soon as may be after a candidate has been declared elected, you should grant to such candidate a certificated of election in Form 22 and obtain from the candidate and acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by the Returning Officer personally before dispatch. Thereafter, immediately send this acknowledgment by registered post to the Secretary General to the House of the People or as the case may be the Secretary of the Legislative Assembly. The acknowledgment shall be in the form shown below:

I ..... acknowledge receipt of the certificate of  
election in Form 22 in respect of my election to ..... from  
.....constituency, declared on .....  
..Date ..... Signature of the returned Candidate

Attested and forwarded to the Secretary

.....  
Returning Officer

9.2 The certificate of election should be handed over to the candidate, and its acknowledgement obtained immediately after declaration of result, if he happened to be present at the counting. Where he is not so present he should be contacted as quickly as possible and the dispatch of the acknowledgment completed within a day or two. These acknowledgments are required by the authorities concerned for verifying the identity of the elected candidates at the time of making or subscribing the oath or affirmation by them.

9.3 The certificate of election in respect of elections to the House of the People should be issued in English or Hindi, but such certificate of election in respect of the State Legislature may be issued in English or Hindi or in any of the languages used for official purposes of the State. It should be open to the elected candidate to sign the acknowledgment in any language he likes.

9.4 Where the elected candidate is not present at the counting nor visits the locality shortly thereafter the certificate may be handed over to a person duly authorised by the candidate in this behalf and personally known to the Returning Officer, the acknowledgment (duly signed by the candidate) being also obtained through the same person.

## **CHAPTER XVI**

### **RETURN AND FORFEITURE OF DEPOSITS**

#### **INTRODUCTORY**

1. Every candidate whose nomination paper was found valid must have made the requisite deposit of Rs. 10,000 in the case of an election from a Parliamentary Constituency or as the case may be, Rs. 5,000 in the case of an election from an Assembly Constituency. (The amount of deposit is half in the case of a candidate belonging to a Scheduled Caste or Scheduled Tribe). Some of the candidates, if not all, whose nomination papers were found invalid and were rejected by you must also have made the deposit. There would also be some validly nominated candidates who have withdrawn their candidatures according to law before the expiry of the time limit for such withdrawals. Lastly, some candidates would be defeated at the poll, while one candidate would have been duly elected at the election. Deposits made by them have either to be returned to them or forfeited to Govt. in accordance with the law as described hereunder. N.B. As deposit can be refunded only to the person in whose name it was made in the treasury, or his legal representative if he is dead.

#### **LEGAL PROVISIONS**

2. Section 158 of the Representation of the People Act, 1951 lays down the method of disposal of the deposits made by the candidates. Follow its provisions carefully when you dispose of applications for the return of the deposit by the candidates or by the persons who made the deposits on their behalf.

#### **CONDITIONS FOR RETURN**

3. The deposit made by a candidate shall be returned if the following conditions are satisfied:-

(i) the candidate is not shown in the list of contesting candidates, that is to say either his nomination was rejected or after his nomination was accepted, he withdraws his candidature; or

(ii) he dies before the commencement of the poll; or

(iii) he is elected; or

(iv) he is not elected but gets more than 1/6th of the total number of valid votes polled by all the candidates at the election.

[N.B. (i) If the candidate has polled exactly 1/6th of the total number of valid votes polled by all the candidates, the deposit will not be refunded.

(ii) If the candidate was elected, the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.]

#### **DEPOSIT RETURNABLE IN ONE CONSTITUENCY ONLY AT GENERAL ELECTIONS**

4.1 Note that if a candidate was a contesting candidate at a general election to the House of the People or State Legislative Assembly in more than one Parliamentary or Assembly Constituency, he cannot get a return of more than one deposit made by him or on his behalf. Other deposits made by him or on his behalf will be forfeited to Govt.

4.2 A contesting candidate at an election to the House of the People and also at an election to the State Legislative Assembly when simultaneously held, is entitled to the return of deposits made in both the elections, if he is otherwise entitled to such return, as the two elections are different.

4.3 Even if a declaration is made by the candidate to the effect that he was not a contesting candidate from more than one Parliamentary or Assembly Constituency, you are entitled to satisfy yourself from such other materials and information as may be available to you that he did not in fact, do so.

#### **RETURN : WHEN TO BE MADE**

5. If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit should be returned as soon as practicable after the publication of the list or after his death, as the case may be. Some candidates may have made alongwith their second and subsequent nominations further security deposits. The second and subsequent deposits should be returned, as far as practicable, after the publication of the list of contesting candidates. In other cases, the deposit should be returned as soon as practicable after the result of election is declared.

#### **FORM OF APPLICATION FOR REFUND**

6.1 The law does not prescribe any form in which a candidate may apply to you for the return of his security deposit. However, in order to facilitate the candidate in making the application and to enable you to verify easily the claim for the return, he may be asked to make an application in the form given in Annexure XLII.

6.2 if the deposit was made by someone also on behalf of the candidate, the application may be obtained the form given in Annexure XLII-A.

6.3 If the candidate has died, his legal representative may make the application in the form given in Annexure XLII-B.

#### **PROMPT SETTLEMENT OF APPLICATIONS FOR REFUND**

7. In the past, complaints for considerable delay in returning/refunding the deposit, possibly because the candidates did not comply with some, formality or the other, reached the Commission. The Commission impresses upon you that all such cases should be promptly settled. Any discrepancy found in the application for return of deposit should be immediately brought to the notice of the candidate who should be given all help in the matter.

#### **FORFEITURE OF DEPOSIT**

8.1 Forfeit to Government every deposit which is not refundable under any of the above paragraphs in this chapter.

8.2 The forfeited amount of security deposit relating to elections to Legislative Assembly as well as to the House of the People shall be credited to revenues under the following head; *"0070 Other Administrative Services – 02 – Elections – 104 – Fees, Fines and Forfeitures. Other receipts – Forfeited amount of security deposits".*

#### **REFUND TO A CANDIDATE BELONGING TO THE SCHEDULED CASTE OR SCHEDULED TRIBE**

9.1 Where a candidate belonging to a Scheduled Caste or a Scheduled Tribe contests an election from a general constituency, he is required under section 34 (1) to make a deposit of

only Rs. 5,000 instead of Rs. 10,000 in the case of an election from a Parliamentary Constituency and Rs. 2,500 instead of Rs. 5,000 in the case of an election from an Assembly Constituency. If he deposits by mistake or otherwise the full amount of Rs. 10,000 or Rs. 5,000 as the case may be instead of

what he is required to deposit as above, he is always entitled to the refund of the excess amount actually deposited by him. you should satisfy yourself of his being a member of a Scheduled Caste or a Scheduled Tribe before allowing such a refund.

9.2 As all the papers relating to nominations, scrutiny and withdrawals, would have been sent by you to the District Election Officer after the declaration of the result, you may, before ordering refund, get the application and other details required for the purpose verified by the District Election Officer concerned.

## **CHAPTER XVII**

### **ACCOUNTS OF ELECTION EXPENSES**

#### **INTRODUCTORY**

1.1 Under Section 77 of the Representation of the People Act, 1951, every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of result of the election, both dates inclusive.

1.2 Further, under section 78 of the said Act, every contesting candidate has to lodge a true copy of the said account within 30 days from the date of declaration of result of the election, with the District Election Officer in all States and Union Territories.

1.3 In order to ensure that all candidates comply with the requirements of law relating to maintenance

of accounts of election expenses and filling of their returns of election expenses in the manner and within the time required by law, you have been instructed in para 32.3 of Chapter V to invite the attention of each candidate to the above provisions of law in writing. This should be done by addressing a letter to each candidate as in Annexure XVIII-A, as soon as he files his nomination paper.

1.4 From 1993 onwards, the Commission has been modifying the format in which the candidates are to file their accounts of election expenses. THE CURRENT FORMAT WAS CIRCULATED WITH THE COMMISSION'S LETTER NO. 76/2003/J.S.-II, DATED 24.10.2003. COPY OF THE LETTER AND THE PRESCRIBED FORMAT IS GIVEN AT ANNEXURES XVIII-B AND XVIII-C RESPECTIVELY.

1.5 A candidate is required to maintain the day to day account of election expenses in a Register giving the details of the expenditure incurred authorized by

(i) political party which has set him up, and

(ii) any other political party supporting him,

(iii) any other association/organisation/body supporting him, and

(iv) any other individual supporting him. The standard format of the Register for maintenance of day to day accounts and the format for furnishing abstract statement of details of expenditure by political parties, other associations, etc. are given at Annexure XVIII-D.

1.6 You should note that the law relating to expenditure incurred by a candidate in an election has been amended vide the "Election and Other Related Laws (Amendment) Act, 2003. As per the new Explanations 1 and 2 inserted under Section 77(1) only the expenses on account of travel of 'leaders' of political parties covered under Explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses – incurred/authorized by the political parties, other associations, body of persons, individuals – are required to be included in the account of the candidate. For this purpose, the political parties are required to submit the list of their 'leaders' to the Election Commission and the Chief Electoral Officer within seven days from the date of notification of the election. The Chief Electoral Officer and the Commission will communicate to you the names of such political leaders whose expenses on travel are to be excluded from the accounts of a candidate. You are not to entertain any such list directly from any political party. To facilitate the communication, the Chief Electoral Officer will also place the list on his website



1.7 When such a leader who happens to be a candidate himself travels in his constituency for election campaigning to promote his own election prospect, the expenses incurred in connection with the journey has to be treated as part of his election expenses and cannot be exempted from the election expenditure account of that person.

1.8 A political party can nominate only those persons who are members of that party as its leaders for the purposes of Explanations 1&2 to Section 77(1). In other words, a person who is not a member of the party cannot be nominated as 'leader' of the party for the purposes of Section 77(1).

1.9 The Commission has directed that as soon as a candidate files his nomination paper, a Register in the Standard proforma as given in Annexure XVIII-C shall be issued by the Returning Officer to the candidate or his duly authorised agent against a proper receipt thereof. Each register will be duly numbered and authenticated by the District Election Officer. The candidate shall maintain his day-to-day account of election expenses in that Register itself and in no other document. That register containing his account shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law. The day-to-day account in the Register shall also be accompanied by the abstract statement showing the details of expenditure in the prescribed format.

1.10 The account filed by a contesting candidate is also required to be accompanied by an affidavit from the candidate in the prescribed proforma which is also part of the model proforma given in Annexure XVIII-D mentioned above.

1.11 A copy each of the said order dated 24th October 2003 is to be furnished to each candidate as soon as he files his nomination paper, along with the Register, Parts I to VI of the model proforma for furnishing the abstract statement of election expenses and the form of the affidavit and the letter mentioned in para 1.3 above.

1.12 The candidate should be asked to acknowledge the receipt of the said letter and its enclosures including the abovementioned Register then and there. The acknowledgment should be obtained in proforma given in Annexure XVIII-D.

1.13 All the acknowledgements obtained from the candidates should be sent by you to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures.

### **ONLY CONTESTING CANDIDATES TO LODGE ACCOUNTS**

1.11 Though under Section 77 every candidate is required to keep an account of his election expenses as aforesaid, under section 78 it is only the contesting candidates who are required to lodge their accounts of election expenses.

1.12 If a candidate contests election for more than one constituency, he is required to keep, and also lodge, a separate account of his election expenses in respect of each such constituency.

### **AUTHORITY WITH WHOM ACCOUNT SHOULD BE LODGED**

2.1 In every State and Union Territory, the account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested election lies. Where the Returning Officer is not the District Election Officer, if any candidate approaches the Returning Officer for filing the account of his election expenses ,

the RO should direct the candidate to the DEO. The DEO shall designate a senior Official for receiving the accounts filed by the candidates. Only such designated Officer or the DEO should receive the accounts

2.2 As some of the Assembly and Parliamentary Constituencies in some State extend over more than one district, the question may arise which District Election Officer should receive the accounts submitted by the candidates in such cases. It is clarified that the accounts of election expenses should be lodged with the District Election Officer of the District, who had provided the polling stations for the constituency. For the information of the candidates the name and designation of the District Election Officer concerned should be published locally indicating the names of constituencies in respect of which he would receive the accounts.

2.3 For the convenience of the contesting candidates, the District Election Officer should also issue a letter to all contesting candidates in every constituency within three days of the date of election of the returned candidate intimating the name designation and address of the District Election Officer with whom the account has to be lodged and also the last date before which the account should reach him.

### **ELECTION IN MORE THAN ONE CONSTITUENCY**

2.4 If a candidate contests election from more than one constituency he has to lodge a separate return of election expenses for every election which he contests. The election for each constituency is a separate election.

### **MAINTENANCE OF ACCOUNT AND PARTICULARS TO BE ENTERED IN ACCOUNT**

3.1 The account should contain the following particulars:-

- (a) the date on which the expenditure was incurred or authorized;
- (b) the nature of the expenditure (as for example, travelling, postage or printing and so on);
- (c) the amount of the expenditure, i.e.-
  - (i) the amount paid;
  - (ii) the amount outstanding;
- (d) the date of payment;
- (e) name and address of the payee;
- (f) the serial number of vouchers in case of amount paid;
- (g) the serial number of bills, if any, in case of amount outstanding;
- (h) the name and address of the person to whom the amount outstanding is payable.

[N.B. The particulars mentioned in items (e) to (h) above need not be given in regard to any item of expenditure for which it is unnecessary to obtain voucher under paragraph 5.]

3.2 All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorised shall be obtained from day to day as the expenditure is incurred or authorised and shall be maintained in the correct chronological order along with the abovementioned Register showing day-to-day account.

### **ACCOUNT TO BE MADE AVAILABLE BY CANDIDATE FOR INSPECTION AND DISPLAY**

4.1 THE COMMISSION HAS DIRECTED THAT THE DAY-TO-DAY ACCOUNT AS MAINTAINED BY A CANDIDATE IN THE AFORESAID REGISTER TOGETHER WITH THE SUPPORTING DOCUMENTS SHALL BE MADE AVAILABLE BY THE CANDIDATE FOR INSPECTION ON THREE OCCASIONS AT LEAST DURING THE PROCESS OF ELECTION

TO THE RETURNING OFFICER/ ELECTION OBSERVER APPOINTED BY THE COMMISSION OR ANY OTHER OFFICIAL APPOINTED FOR THIS PURPOSE. THE RETURNING OFFICER SHALL PREPARE A SCHEDULE OF INSPECTION FOR THE CANDIDATES IN THE CONSTITUENCY AND GIVE AN ADVANCE INTIMATION TO THE CANDIDATES ABOUT THE DATES ON WHICH THEY ARE TO PRODUCE THE ACCOUNTS. THE FIRST DATE OF INSPECTION MAY BE ON OR AFTER THE THIRD DAY FROM THE DATE OF WITHDRAWAL OF CANDIDATURE AND THERE SHALL BE A GAP OF ABOUT 4 DAYS BETWEEN EACH INSPECTION.

4.2 FAILURE ON THE PART OF A CANDIDATE TO PRODUCE THE REGISTER AND THE SUPPORTING DOCUMENTS FOR INSPECTION ON DEMAND SHOULD BE TREATED AS MAJOR DEFAULT ON HIS PART AND HE SHOULD BE PROCEEDED AGAINST UNDER SECTION 171-1 OF THE INDIAN PENAL CODE.

4.3 While inspecting the accounts of the candidates as per the schedule of inspection fixed, you will ensure that two photocopies of the relevant pages of the register are retained by the inspecting officer. One copy of the relevant pages will be displayed on your notice board and the other copy will be retained in a separate file for each candidate constituency-wise as proof of record with you and furnished to the District Election Officer on conclusion of the poll process. In this exercise you must ensure that the inspection does not become a source of harassment/oppression to the detriment of the electioneering of the candidate which is his legal right.

4.4 The Commission has also directed that a copy of the day-to-day accounts retained by you may be provided to any person desiring a copy on payment of usual copying charges. You should make this known to the candidates and the general public for their information as soon as the process of nomination begins.

#### ARRANGEMENTS FOR SCRUTINIZING ACCOUNTS

4.5 To facilitate the scrutiny of accounts you should appoint adequate number of designated officers, who have some experience in handling accounts. The locations where these officers will be available should be made known to the candidates at the time they are handed the Register. You must ensure that the designated officers are available at their locations on the appointed days. The Election Observers will also scrutinize the accounts from time to time. Either they will visit the designated officers or call for the records from the designated officers at some central location. You have to coordinate the interaction between the Election Observers and your designated officers and it has to be ensured that all proper records are made available to the Election Observers and the designated officers furnish the requisite information to them.

4.6 It has been the experience in previous elections that the candidates do not disclose the correct value of the different items of expenditure. To preclude the chances of concealment of information it has been found useful to obtain and make available rates of standard items to the designated officers and the Election Observers in advance. The Commission has directed all District Election

Officers to make available the rates of the under-mentioned items to all Election Observers immediately on their arrival in the constituency. The list of these items, not exhaustive but illustrative, are as follows:-

1. Hiring charges of Loudspeaker with amplifier and microphone
2. Construction of podium / pandal (standard size to seat 4-5 persons)
3. Cloth Banner
4. Cloth Flags

5. Plastic Flags
6. Hand Bills (cost to be calculated and print order ascertained from printer – refer 127A of R.P. Act, 1951)
7. Posters
8. Hoardings
9. Cut outs (wooden)
10. Cut outs (Cloth/Plastic)
11. Video Cassettes
12. Audio Cassettes
13. Erection of gates
14. Erection of arches
15. Daily hiring charges of vehicles:
  - (i) Jeep / Tempo / Trucker, etc.
  - (ii) Sumo / Qualis
  - (iii) Cars
  - (iv) Three-Wheelers
  - (v) Cycle-Rickshaw
16. Hiring charges of hotel rooms / guest houses
17. Charges of drivers' salary
18. Hiring charges of furniture (chairs, sofa, etc.) and fixtures
19. Hiring charges of hoarding sites from municipal authorities
20. Other items commonly used in a District  
(DEO to prepare a rate list of such items)

#### **EXPENDITURE ON BARRICADES AND ROSTRUMS ETC.**

4.7 The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party addresses such a meeting. In cases where there are more than one candidate of the political party present at the time of the said meeting of the "leader", the expenditure will be apportioned equally amongst all, and the District Election Officer of the district where such a meeting takes place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their private share of expenditure. This information will

also be intimated to the Returning Officer/District Election Officer of the Constituency/District to which the other candidates belong.

4.8 Where such construction of rostrums/barricades are done on account of security considerations by the candidate(s) or the political party or the organizers from their own funds, amount will be reflected in the accounts of the concerned candidate or a group of candidates present in the meeting of the "leader". These accounts will be duly verified by the Election Observer or the Designated Officer appointed for scrutiny of the accounts.

4.9 The candidate/political party/organizer will deposit the estimated cost of barricades/rostrum in advance where the construction of the same are being done by the government agencies

#### **MANNER OF LODGING THE ACCOUNT**

5.1 The Register supplied by the Returning Officer to each candidate in which the candidate has kept his account of election expenses shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law.

5.2 Further, the candidate is also required to furnish the abstract statement in Parts I to VI of the proforma (Annexure XVIII-D) given to him by the Returning Officer along with the said Register. No column in the Register or in the abstract statement of the proforma is to be left blank. If no expenditure has been incurred or authorised on any item listed therein, a 'Nil' entry should be made in the appropriate column.

5.3 Furthermore, each candidate while lodging return of his election expenditure in the prescribed proforma shall also file an affidavit on oath in support of his account of election expenses. The proforma of the affidavit to be filed by each candidate is a part of the model proforma (Annexure XVIII-D Part VII) mentioned above.

5.4 The account which is filed should be a true and complete account kept by the candidate or his election agent and should be certified as such as by the candidate himself. A certificate by his election agent is not sufficient and, therefore, even if the account is certified by the election agent, it should again be certified by the candidate himself.

#### **VOUCHERS TO BE FILED WITH ACCOUNTS**

5.5 Every candidate should lodge along with the account a voucher for every item or expenditure unless the nature of the case is such that it is not practicable to obtain voucher, e.g., postage, travel by railway and the likes. All vouchers should be serially numbered by the candidate or his election agent.

#### **VOUCHERS TO BE SIGNED**

5.6 Each of the supporting vouchers lodged with the account shall be signed by the candidate or by the election agent, in full.

#### **LAST DATE FOR FILING ACCOUNTS**

6. The account should be lodged by the candidate within 30 days from the date of election of the returned candidate vide Section 78 of the Representation of the People Act, 1951.

[N.B. (i) In computing the period of 30 days, the date on which you declared the returned candidate elected should be excluded.

(ii) If the 30th day so computed is a Sunday or other holiday and your office is closed on that day, the account of election expenses may be lodged on the next day on which your office opens. The account will be deemed to have been lodged in time in such a case.]

### **MEANING OF DATE OF ELECTION**

7. The “date of election” of a returned candidate is the date on which you declared him to have been elected whether it was a contested or an uncontested election.

### **ISSUE OF ACKNOWLEDGEMENT IN TOKEN OF RECEIPT OF ACCOUNT**

8. As soon as the account of election expenses is filed by a candidate, you should acknowledge its receipt in the proforma prescribed in Annexure XVIII Part VIII. If the account is received by you through post, such acknowledgement should be sent by you forthwith by post. One copy of the acknowledgement should be kept by the DEO/Designated Official receiving the accounts along with the accounts.

### **NOTICE OF FILING ACCOUNTS**

9. Within two days from the date on which the candidate lodges his account of election expenses, affix a notice on your notice board specifying:-

- (i) the date on which the account has been lodged;
- (ii) the name of the candidate; and
- (iii) the time and place at which the account can be inspected.

### **INSPECTION AND COPIES**

10.1 Any person can, on payment of a fee of rupee one, inspect the account lodged with you by a candidate. According to rule 88, the Commission has fixed the fee of Rs.1 per folio or part of a folio chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

10.2 If inspection of an account of election expenses has been applied for at any time during the period that the account is with the Election Commission, the application should be kept pending until the account is received back from the Commission after which the inspection will be allowed to the applicant.

### **REPORT TO THE COMMISSION**

11.1 Immediately after the last date for filing accounts of election expenses has expired, and in any case not later than the seventh day after such expiry date, report to the Commission under rule 89 of the Conduct of Elections Rules, 1961, in the Form in Annexure XLIII.

- (i) the name of each candidate whose name was included in the list of contesting candidates;
- (ii) name of each contesting candidate who failed to lodge the account of expenses in the manner specified by the Commission in terms of its instructions dated 24.10.2003.
- (iii) whether the candidate has lodged his account of election expenses in time and the date of filing the account and the dates on which the accounts were furnished by such candidates for periodical inspection during the course of the elections, and if not furnished, whether notices for

non-compliance of the instructions of the Commission were issued to them and further follow-up action taken, if any.

(iv) whether in your opinion the account has been lodged within the time and the manner required by the Act and the Rules and Commission's directions.

11.2 If any candidate has not submitted his account by the time the DEO sends his report, his name should also be included with the remarks that the account has not been lodged.

11.3 Whenever the DEO reports that an account lodged by a contesting candidate is not in the manner required by the Act and the Rules and the Commission's directions, he should, along with his report, forward to the Commission that account and the documents accompanying it. His report must include the discrepancies noticed by the him / Returning Officers / designated Officers in the accounts submitted every third day by the candidate with the actual expenditure noted / assessed by him / Returning Officer / Election Observer / designated Officer and specifically mention the items of expenditure which in the opinion of District Election Officer/ Returning Officer / Observer, have been suppressed.

11.4 Further, the comments of the District Election Officer shall be given in his report to the Commission on the overall final accounts furnished by the candidates in terms of actual expenditure incurred by each candidate. In giving his final comments, the District Election Officer shall take into account the observations made by the Election Observers and any other candidate or by any other organizations or member of the general public on the daily accounts exhibited on the notice board of the Returning Officer. These shall be submitted as enclosures to the report that is submitted by the District Election Officer in the proforma (Annexure XLIII) prescribed in para 11.1 above. In the 'Remarks' column pertaining to a candidate in the proforma, the enclosure number of the comments of the DEO pertaining to that candidate shall be mentioned.

11.5 The DEO should not send with his report those accounts which he considers to have been lodged in the manner required by the law, unless specifically asked for by the Commission in any case. He should also ensure that the report is submitted to the Commission within seven days without fail.

## **SEPARATE REPORT FOR EACH CONSTITUENCY**

12. Send a separate report in respect of each constituency. Each such report should cover all the contesting candidates in the constituency whether they have been elected or defeated at the poll. Care should be taken that in any such report, the names of the constituencies are spelt as in the Delimitation order and the names of the candidates spelt as in the list of contesting candidates.

## **ACCOUNTS FILED LATE**

13. If a contesting candidate has lodged his account of election expenses after you have sent your report to the Commission, send a supplementary report in the same Form in respect of him. In every such case also, examine the account and record in column 7 any material defects which you may notice therein as elaborated in paras 11.3 and 11.4 above.

## **NATURE OF EXAMINATION**

14. Since the return of election expenditure filed by a candidate has to reflect the "correct" account of "all" election expenses, the District Election Officer, before accepting the account of the candidate as being in accordance with the manner prescribed shall conduct such enquiry as he deems necessary, and at the time of communication of his report vide (Annexure XXXVIII) to the Commission as required under Rule 89 of the Conduct of Elections Rules, 1961, certify to the Commission with reference to the documents filed before him and as verified by him through an appropriate enquiry, that the statement of account is in the manner prescribed.

## **PUBLICATION OF REPORT**

15. Publish a copy of every report sent to the Commission by affixing a copy thereof to your notice board.

## **COMMISSION'S DECISION ON REPORT**

16. The Commission will consider the report and decide whether any contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by law. In such a case the Commission will call upon the candidate to show cause why he should not be disqualified.

## **DELIVERY OF COMMISSION'S NOTICE TO CANDIDATES**

17.1 In order to ensure that the notices issued by the Commission are served on the defaulting candidates expeditiously and their cases settled with the least delay, the Commission now forwards these notice to the District Election Officer to cause the same delivered to the candidates concerned. Every effort should be made to effect the delivery of the notice to the candidate concerned within three days of receipt of the same from the Commission in your office.

17.2 The notice should be delivered to the candidate concerned against a proper acknowledgement from him in token of having received the same.

17.3 If the candidate is not available at the address and the members of his family refuse to take delivery of the notice, the same may be pasted on the wall/door of the residence of the candidate in the presence of two witnesses preferably of the locality. A note to this effect must be recorded on the spot and the signatures of the witnesses along with their addresses obtained thereon.

## **REPRESENTATION BY DEFAULTING CANDIDATE**

18. Any contesting candidate who has been called upon to show cause may within twenty days of the receipt of such notice represent in writing to the Election Commission, and shall, at the same time, send to you a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

## **SUPPLEMENTARY REPORT BY DISTRICT ELECTION OFFICER**

19.1 The DEO should send his supplementary report along with the acknowledgement obtained from the candidate in token of his having received the Commission's notice to the Commission immediately, and in any case within one week, after the expiry of the period within which the candidate has been directed by the Commission to submit his representation with his account, if any.

19.2 The supplementary report should be sent even where the candidate has not filed any representation.

## **FINAL ORDER BY COMMISSION**

20. If, after considering the representation submitted by the candidate and the comments made by the DEO and after such enquiry it thinks fit, the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account in the time and in the manner required by law, it shall declare him to be disqualified under Section 10-A of the Representation of the People Act, 1951 for a period of three years from the date of the order and cause the order to be published in the official gazette.



## **REMOVAL OF DISQUALIFICATION**

21. Under Section 11 of the Representation of the People Act, 1951, Election Commission may, for reasons to be recorded, remove any such disqualification or reduce the period thereof.

## **TIME LIMITS TO BE STRICTLY ADHERED**

22. In the foregoing paragraphs, various time limits have been specified for submission of reports to the Commission, service of notice on the defaulting candidates, forwarding of their representations with your comments to the Commission, etc. All such time limits should be strictly adhered to failing which the Commission will take serious exception to any such lapses.

## **CHAPTER XVIII MISCELLANEOUS**

### **SIGNING BY ILLITERATE PERSONS**

1. Sub-rule (2) (e) of rule 2 of the Conduct of Elections Rules, 1961 lays down that a person who is unable to write his name shall be deemed to have signed on instrument or a paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Election Commission. The Commission has, accordingly, specified every officer belonging to an administrative service not below the rank of a Sub-Divisional Officer as an officer in whose presence such mark may be placed.

### **MANUSCRIPT, TYPEWRITTEN OR PRIVATELY PRINTED FORMS TO BE ACCEPTED**

2. Rule 2(1) (g) of the above mentioned Rules defines “form” as a form appended to the said Rules, including a translation thereof in any of the languages used for official purposes of the State. As sufficient number of any particular form printed officially by Government may not always be available to satisfy public demand, the public would be put to a lot of inconvenience if officially printed forms are insisted upon by election officers. In order to avoid any such inconvenience, the Election Commission has specified that although forms may have been printed by the Government, Returning Officers, Electoral Registration Officers, Presiding Officers and other Election Officers shall freely accept manuscript, typewritten, cyclostyled photo copied or privately printed copies of every form so long as they have been correctly copied and such officers shall not reject any document merely because it has not been drawn up on a form printed by the Government.

### **SUBMISSION OF REPORT BY THE RETURNING OFFICER**

3. Immediately after the declaration of the result in the constituency, you should, through the Chief Electoral Officer of the State, forward to the Election Commission two copies of your report on the various item as shown in Annexure-XLIVB for preparation of the Report on the elections by the Commission. You should advise the Presiding Officers working under you to give in their Diary detailed information on the various items with which they are concerned namely, items 13, 15, 16, 17, 18, 23, 24, 26, 30, 33, 34, 36, 37, 39, 40, 41, 43, 44 and 45 of the said Annexure. Please ensure that this information is furnished by you to the Chief Electoral Officer within a fortnight from the declaration of the result. If you are a Returning Officer for more than one constituency, you should submit within time a separate report for each constituency. You should not, however, delay the submission of the report on the ground that any particular information is not readily available. Any information which could not be included in the report before the due date for submission should be sent by a supplementary report.

### **INDEX CARD**

4. The Commission desires to prepare statistical part of the report as early as possible after the completion of election. To achieve this, it is essential that it should have requisite information with it. In view of this it is requested that you shall invariably fill in the ‘Index Card’ of Annexure XLV as early as possible but not later than 15 days after the poll and send it through the Chief Electoral Officer of the State/Union Territory to the Commission.

### **SAFE CUSTODY OF VOTING MACHINES AND ELECTION PAPERS**

5.1 The District Election Officer concerned shall be responsible for the safe custody of all the voting machines used at an election, the packets containing registers of voters in Form 17A and

all other packets containing election papers referred to in sub-rule (1A) and (2) of rule 92 of the Conduct of Elections Rules, 1961. These are:-

- (1) all the voting machines used at the election;
- (2) the packets of unused ballot papers supplied for use as tendered ballot papers;
- (3) the packets of tendered ballot papers and postal ballot papers, whether valid or rejected (this also includes packets in which covers containing postal ballot papers received late are kept);
- (4) the packets of the counterfoils of used postal ballot papers;
- (5) the packets of the marked copies of the electoral roll;
- (6) the packets containing register of voters in Form 17A;
- (7) the packets of the declarations by electors and the attestation of their signatures; and
- (8) all other papers relating to the election which include the packets containing all papers and proceeding relating to nomination, scrutiny and withdrawal of candidature.

5.2 Under the said rule when an Assembly or Parliamentary Constituency extends over more districts than one, the election papers of that constituency will be kept in the custody of such one of the District Election Officers having jurisdiction over the constituency as the Election Commission may direct. Under this arrangement, normally, the District Election Officer who had under the law provided the polling stations for the constituency will be responsible for the safe custody of these papers.

#### **ARRANGEMENT FOR SAFE CUSTODY OF ELECTION RECORDS**

6.1 According to Commission's direction, the District Election Officer will have to keep voting machines and the steel trunks containing papers referred to at items (2) to (7) under double lock in the District Treasury or Sub-Treasury, as may be convenient.

6.2 One set of keys of the sealed steel trunks kept in the Treasury/Sub-Treasury will be entrusted to the Treasury Officer or an officer in the Treasury authorised in the Treasury code. The other set of keys will be kept by the District Election Officer himself or by a senior officer nominated by him.

6.3 A date-wise log book about the movement or disposal of the election records from the Treasury should be maintained. All these security arrangements are necessary because these election papers may be summoned at any time during the trial of an election position by the High Court or by the Supreme Court or other competent Court.

6.4 The box(es) containing the election records mentioned at item (8) in para (5) above should be kept by the District Election Officer in his own safe custody.

6.5 For proper maintenance and safe custody of these records, the Commission feels that the election records should be kept in separate and properly secured store rooms. A suitable register should be introduced to ensure that whenever an official is required to carry out his official duties in the record room in question he makes an entry showing the purpose for which a particular record was required and signs his name. Where separate store rooms for election records are not available, the State Government may provide them. If separate rooms cannot be provided, arrangements should be made to store the records in steel almirahs in the charge of a responsible officer.

6.6 Special care is necessary with regard to the safe custody of the election records in respect of an election called in question by an election petition which is pending. In order to guard against any tampering with or theft of such election records, they would be kept in a Government Treasury till the final disposal of the election petition.

## **PRODUCTION AND INSPECTION OF VOTING MACHINES**

7. Sub-rule (1A) of rule 93 of the Conduct of Elections Rules, 1961, provides that the control units of the voting machines which are sealed under rule 57C after the counting of votes and kept in the custody of the District Election Officer shall not be inspected by or produced before, any person or authority except under the orders of a competent court.

## **PRODUCTION AND INSPECTION OF ELECTION PAPERS**

8.1 Sub-rule(2) of rule 93 of the Conduct of Elections Rules, 1961, provides that all papers relating to an election, other than those referred to in sub-rule (1) thereof, shall be open to public inspection subject to conditions and to the payment of such fee, if any as the Election Commission may direct.

8.2 In pursuance of the said sub-rule read with section 76 of the Indian Evidence Act, 1872, the Commission has issued the following directions:

### ***(1) Inspection***

(a) Every application for inspection of the said documents (other than an account of election expenses) shall be made in writing and should contain the particulars concerning the record of which inspection required;

(b) an inspection of the documents shall be allowed to any person applying for the same on payment of fee of Rs. 5 per hour of inspection or part thereof, unless inspection is required to be made urgently in which case the fee shall be Rs. 10 per hour or fraction thereof.

(c) Inspection on an ordinary application shall be allowed on the day following the date on which the application is made or on a subsequent day and inspection on an urgent applicaiton, shall be allowed on the same day. Instructions for inspection of account of election expenses and supply of copies thereof are contained in Chapter XVII.

### ***(2) Certified copy***

A certified copy of any of the said documents (other than an account of election expenses) shall be given to any person applying for the same, on payment of fees at the same rate as is charged in the State for a copy of an order by a Revenue Officer. The procedure to be followed in respect of an application for it shall be same as for a similar application made in respect of a case dealt with by a Revenue Officer.

(3) The application should establish the right of the applicant for inspection or for supply of certified copies of documents and for that purpose should clearly disclose that the applicant has a direct and tangible interest in such document or documents and the nature of such interest.

(4) No fee shall be charged when inspection or certified copy of a document is required for official purposes.

8.3 When election records are inspected by interested person soon after the completion of the election, effective supervision by officials is necessary. To avoid removal of any paper from the records, simultaneous inspection by a large number of persons should not be allowed.

## **SUPPLY OF COPIES OF RESULT SHEETS AND ELECTION RETURNS**

9.1 Copies of result sheet in Form 20 may be supplied, if asked for, on payment of fee as charged for supply of certified copies of other election records.

9.2 Under sub-rule (3) of rule 93, the copies of election return in Form 21-E may be supplied by the Returning Officer, District Election Officer, or Chief Electoral Officer, or the Election Commission on a payment of Rs. 2 for each copy.

## **DISPOSAL OF ELECTION PAPERS**

10.1 The Commission has made the following direction under rule 94 of the Conduct of Elections Rules, 1961 for the disposal of election papers. Subject to any direction to the contrary given by the Commission or by a competent Court in any case and subject to the instructions contained in para 12 below, the election papers may be disposed of as indicated below:

### **10.2 DIRECTION UNDER RULE 94 (A)**

(i) The packets of unused ballot papers returned by Presiding Officers after the poll is over shall be retained in the Treasury for a period of six months after the completion of the election and then destroyed.

(ii) The Stock of undistributed ballot papers left with the Returning Officers should be returned to the Chief Electoral Officer immediately after the poll and the Chief Electoral Officer should retain such ballot papers for six months.

(iii) Where the Chief Electoral Officer has not got sufficient accommodation to store the undistributed ballot papers, these ballot papers may be kept in Treasuries/Sub-Treasuries under the orders of the Chief Electoral Officer.

### **10.3 DIRECTION UNDER RULE 94 (AA)**

Clause (aa) of rule 94 provides that the voting machines kept in the custody of the District Election Officer under sub-rule (1A) of rule 92 shall be retained intact for such period as the Election Commission may direct and shall not be used at any subsequent election without the previous approval of the Election Commission. Accordingly, the District Election Officer should seek the express direction of the Commission in each case as soon as may be after the period for filing the election petitions is over.

### **10.4 DIRECTION UNDER RULE 94 (B)**

i. The sealed packets of used ballot papers (except the packets containing the counterfoils of used ballot papers) whether valid, tendered or rejected, the packets of the marked copies of the electoral roll and the packets of declarations by elector and the attestation of their signatures, which are contained in the sealed steel trunks under the double lock and kept in the Treasury should be retained for a period of one year after the completion of the election and then destroyed.

ii. The packets containing counterfoils of used ballot papers and Registers of Voters in Form 17A shall be retained for a period of one year after the completion of the election and shall thereafter be destroyed in all cases except those in respect of which election petitions or election appeals or prosecutions for impersonation are pending.

### **10.5 DIRECTION UNDER RULE 94(C)**

- i. Papers specified in Annexure XLVI should be destroyed at the expiry of six months from the date of the declaration of the result.
- ii. The list of challenged votes (Form 14) and the receipt book used for collection of challenge fee, the dispatch register of postal ballot papers and forms of nomination papers should not be destroyed before the expiry of 5 years from the date of declaration of the result or till they are audited and audit objections, if any, settled whichever is earlier.
- iii. Every order appointing a person as a Presiding Officer or Polling Officer should not be destroyed before the expiry of three years from the date of the election to which the appointment relates.
- iv. Final Result Sheet (Form 20), Declaration of Result of Election (Forms 21, 21-A, 21-B, 21-C, 21-D, 23 and 23-A) and Return of Election (Forms 21-E and 23-B) should be kept as permanent records of election.
- v. The register of deposits may be destroyed in the same manner as revenue registers provided that in no case shall the register be destroyed before ten years.
- vi. All records relating to the account of election expenses of a candidate who has lodged it within the time and in the manner required by the Act and the Rules shall be destroyed at the end of one year from the date the return ought to have been lodged.
- vii. All records relating to the account of election expenses of a candidate who has failed to lodge it within the time and/or in the manner required by or under the Act and the Rules and thereby incurred the disqualification under Section 10A of the Representation of the People Act, 1951, shall be destroyed on the expiry of three years from the date on which the Commission's decision under sub-rule (8) of rule 89 of the Conduct of Elections Rules, 1961, is notified. If the disqualification has been removed by the Commission under Section 11 of the said Act, the records shall be destroyed on the expiry of one year after such removal.
- viii. If any candidate applies for the return of any vouchers filed with his account of election expenses, the vouchers may be returned to him after keeping a certified copy in the record; provided there is no election petition or recrimination petition pending in respect of the election in which the question of the applicant's election expenses is at issue.

## **RETENTION OF PAPERS WHERE ELECTION PETITION IS PENDING**

11. Where an election petition is pending for trial by a High Court or any other matter in respect of an election is pending adjudication by a Court, the papers relating thereto as mentioned in paragraphs 11.2, 11.4, 11.5(i), 11.5(ii), 11.5(iii) and 11.5(vi) should not be destroyed until the expiry of three months from the date of disposal of such petition or the matter finally.

## **MODE OF DISPOSAL OF ELECTION PAPERS**

12.1 Except surplus and waste ballot papers, all election papers including restricted or confidential papers like used and unused ballot papers and their counterfoils, copies of electoral rolls, etc., should be shredded so that the same can be made into pulp which can be recycled for manufacture of paper, etc.

12.2 The shredding operation must be completed in Govt. premises where the election records are kept under safe custody. The entire shredding process should be done in the presence of a senior Gazetted Officer of the Office of Chief Electoral Officer at the place of storage and not at any private premises. The shredding of used ballot papers should be done in

the presence of a Class-I Officer of the Office of District Election Officer; while election papers of other categories shall be shredded in the presence of a senior Gazetted Officer of the Office of Chief Electoral Officer. After completion of the shredding process, the officer concerned should certify that the entire process of shredding has been completed in his presence and that no unshredded paper has gone out of the campus. It should be strictly ensured that under no circumstance, any unshredded paper leaves the campus where these are kept.

12.3 Whenever Shredders are not available, the District Election Officer should purchase a shredder out of his office expense budget.

12.4 The sale price of the shredded election papers to be charged from the purchasing companies and the shredding charges to be paid, if any, to the companies where they used their shredders should be settled separately by the Chief Electoral Officer himself after following the prescribed procedures under the relevant financial rules. If the cost of transport of shredded papers to the nearest paper-pulp making unit is more than the likely return of selling the shredded papers, the

District Election Officer will have the discretion to sell the shredded papers to waste paper purchasers locally or dispose the same of by any other cost effective method.

### **DISPOSAL OF SURPLUS AND WASTE BALLOT PAPERS**

13. The following instruction should be strictly followed in regard to the manner of disposal of surplus and waste ballot papers:

(1) As soon as the poll in a constituency is over and it is ascertained that there is no need for an adjourned poll or a fresh poll in any polling station in that constituency, the surplus ballot paper, if any, and waste ballot papers alongwith floor sweeping left in Government Press should be shredded and made into pulp instead of burning in the presence of the Chief Electoral Officer himself, or of a senior officer duly authorised in writing by the Chief Electoral Officer for the purpose. If the printing of the ballot papers is done at a Government Press situated at a District Headquarters, away from the State Capital, the destruction of the surplus and waste ballot papers by shredding and making into pulp should be done in the presence of the District Collector/District Magistrate/Deputy Commissioner or a senior officer duly authorised in writing by him for the purpose.

(2) The Officer in whose presence the surplus and waste ballot papers are destroyed in the manner given above should record a certificate regarding the number/quantity of such surplus and waste ballot papers destroyed in his presence and he should also obtain the counter signature of the superintendent of the Government Press on the certificate.

(3) As soon as practicable after the declaration of the result and in any case within ten days thereof, a report should be sent to the Commission by the Chief Electoral Officer certifying that all surplus and waste ballot papers printed for the election, have been destroyed in the manner indicated above.

### **FACILITIES ALLOWED BY THE POST AND TELEGRAPHS DEPARTMENT FOR THE CONDUCT OF ELECTIONS**

14.1 The Posts and Telegraphs Department has been requested to extend special facilities during period of elections for receipt and delivery of letters and other communications. They will issue their instructions to all the postal authorities in the country.

14.2 Ministry of Home Affairs have issued instructions that police wireless facilities may be used wherever posts and telegraphs facilities are not available.

14.3 For receipt and issue of urgent communications a Fax machine has been installed in the office of the Commission. The no. of the Fax machine is 23713412. This may be utilized for sending urgent messages to the Commission. This is open on all days for all the 24 hours. You can also send the fax messages to the Secretary to the Commission concerned with your State or communicate with him through his e-mail which is available on the website of the Commission i.e. [www.eci.gov.in](http://www.eci.gov.in).

#### **TWO UNUSED BALLOT PAPERS FOR RECORD OF THE COMMISSION**

15.1 Two un-issued ballot papers for each general election to the House of the People or Legislative Assembly should be sent to the Commission for its record. The Chief Electoral Officer should direct the Returning Officers in his State/Union Territory to send as soon as possible after election is over two such un-issued ballot papers in respect of each constituency to him with the words "Cancelled for record in the Election Commission" written on the reverse of each ballot paper under the signature of the Returning Officer and thereafter the Chief Electoral Officer should send the same without delay to the Commission

15.2 The ballot papers in respect of bye-elections should also be sent to the Commission. The words "Cancelled for record in the Election Commission" should be written on the reverse of each ballot paper.



# ANNEXURES

**ANNEXURE I**  
**[CHAPTER I, PARA 1.3]**  
**MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS**  
**(LEGISLATIVE DEPARTMENT)**  
**NOTIFICATION**  
**NEW DELHI, THE 24TH MARCH, 1992**

S.O. 230(E). – In exercise of the powers conferred by Section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely :–

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 1992.  
(2) They shall come into force on the date of their publication in the official Gazette.
2. In the Conduct of Elections Rules, 1961 (hereinafter referred to as the principal rules).  
(a) after the heading to Part IV, the following shall, be inserted, namely :–

**“CHAPTER 1**  
**VOTING BY BALLOT”**

- (b) in rule 28, for the words “In this Part” the words “in this Chapter and Chapter II” shall be substituted;
- (c) after rule 49, the following shall be inserted namely :–

**CHAPTER II**  
**VOTING BY ELECTRONIC VOTING MACHINES**

**49A. DESIGN OF ELECTRONIC VOTING MACHINES**

Every electronic voting machine (hereinafter referred to as the voting machine) shall have a control unit and a balloting unit and shall such designs as may be approved by the Election Commission.

**49B. PREPARATION OF VOTING MACHINE BY THE RETURNING OFFICER**

- (1) The balloting unit of the voting machine shall contain such particulars and in such language or languages as the Election Commission may specify.
- (2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates.

- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
- (4) Subject to the foregoing provisions of this rule, the returning officer shall,—
  - (a) fix the label containing the names and symbols of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;
  - (b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

#### **49C. ARRANGEMENTS AT THE POLLING STATIONS**

- (1) Outside each polling station there shall be displayed prominently—
  - (a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled; and
  - (b) a copy of the list of contesting candidates.
- (2) At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.
- (3) The returning officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.
- (4) Without prejudice to the provisions of sub-rule (3), the returning officer may, with the previous approval of the Election Commission, provide one common voting machine for two or more polling stations located in the same premises.

#### **49D. ADMISSION TO POLLING STATIONS**

The presiding officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than,

- (a) polling officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorised by the Election Commission;
- (d) candidates, their election agents and subject to the provisions of rule 13, one polling agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the Returning Officer or the presiding officer may employ under sub-rule (2) of rule 49-G or sub-rule (1) of rule 49-H.

#### **49E. PREPARATION OF VOTING MACHINE FOR POLL**

- (1) The control unit and balloting unit to every voting machine used at polling station shall bear a label marked with —
  - (a) the serial number, if any, and the name of the constituency;
  - (b) the serial number and name of the polling station or stations as the case may be;
  - (c) the serial number of the unit; and
  - (d) the date of poll.
- (2) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (4).
- (3) A paper seal shall be used for securing the control unit of the voting machine, and the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.
- (4) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of the voting machine and shall secure and seal the same.
- (5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal.
- (6) The control unit shall be closed and secured and placed in full view of the presiding officer and the polling agents and the balloting unit placed in the voting compartment.

#### **49F. MARKED COPY OF ELECTORAL ROLL**

Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the Polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain—

- (a) any entry other than that made in pursuance of clause (b) of sub-rule (2) of rule 20; and
- (b) any mark other than the mark made in pursuance of clause (b) of sub-rule (2) of rule 23.

#### **49G. FACILITIES FOR WOMEN ELECTORS**

- (1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.
- (2) The returning officer or the presiding officer may appoint a women to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors and in particular, to help in frisking any woman elector in case it becomes necessary.

#### **49H. IDENTIFICATION OF ELECTORS**

- (1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

- (2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.
- (3) Where the polling station is situated in a constituency electors which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960 the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.
- (4) In deciding the right of a person to cast his vote, the presiding officer or the polling officer as the case may be shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

#### **49I. FACILITIES FOR PUBLIC SERVICE SERVANTS ON ELECTION DUTY**

- (1) The provisions rule 49-H shall not apply to any person who produces at the polling station an election duty certificate in Form-12B and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.
- (2) On production of such certificate the Presiding Officer shall—
  - (a) obtain thereon, the signature of the person producing it;
  - (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
  - (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

#### **49J. CHALLENGING OF IDENTITY**

- (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.
- (2) On such deposit being made, the presiding officer shall –
  - (a) warn the person challenged of the penalty for personation;
  - (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
  - (c) enter his name and address in the list of challenged votes in Form 14; and
  - (d) require him to affix his signature in the said list.
- (3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—
  - (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
  - (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
  - (c) administer an oath to the person challenged and any other person offering to give evidence.

- (4) If, after the inquiry the presiding officer considers that the challenge has not been established he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.
- (5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, return to the challenger at the conclusion of the inquiry.

#### **49K. SAFEGUARDS AGAINST PERSONATION**

- (1) Every elector about whose identity the presiding officer or the polling officer, as the case may be is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.
- (2) If any elector –
  - (a) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or
  - (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 49-H he shall not be allowed to vote.
- (3) Where a poll is taken simultaneously in a Parliamentary constituency and an assembly constituency, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at one such election, shall notwithstanding anything contained in sub-rules (1) and (2) be permitted to cast his vote for the other election.
- (4) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand are missing, he construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

#### **49L. PROCEDURE FOR VOTING BY VOTING MACHINES**

- (1) Before permitting an elector to vote, the polling officer shall-
  - (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 17-A.
  - (b) obtain the signature or the thumb impression of the elector on the said register of voters; and
  - (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote.

Provided that no elector shall be allowed to vote unless he has put his signature or thumb impression on the register of voters.

- (2) Notwithstanding anything contained in sub-rule (2) of rule 2 it shall be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

**49M. MAINTENANCE OF SECRECY OF VOTING BY ELECTORS WITHIN THE POLLING STATION AND VOTING PROCEDURES**

- (1) Every elector who has been permitted to vote under rule 49-L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.
- (2) Immediately on being permitted to vote the elector shall proceed to the presiding officer or the polling officer incharge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit; for recording of elector's vote.
- (3) The elector shall thereafter forthwith—
  - (a) proceed to the voting compartment;
  - (b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and
  - (c) come out of the voting compartment and leave the polling station.
- (4) Every elector shall vote without undue delay.
- (5) No elector shall be allowed to enter the voting compartment when another electors is inside it.
- (6) If an elector who has been permitted to vote under rule 49-L or rule 49-P refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) of the said rules, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.
- (7) Where an elector is not allowed to vote under sub-rule(6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form 17-A by the Presiding Officer under his signature.

**49N. RECORDING OF VOTES OF BLIND OR INFIRM ELECTORS**

- (1) If the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognize the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes;

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day;

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.

- (2) The presiding officer shall keep a record in Form-14A of all cases under this rule.

#### **49O. ELECTOR DECIDING NOT TO VOTE**

If an elector after his electoral roll number has been duly entered in the register of voters in Form-17A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 49L, decides not to record his vote, a remark to this effect shall be made against the said entry in Form-17A by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.

#### **49P. TENDERED VOTES**

- (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be, instead of being allowed to vote through the balloting unit supplied with a tendered ballot paper which shall be of such design and the particulars of which shall be in such language or languages as the Election Commission may specify.
- (2) Every such elector shall before being supplied with a tendered ballot paper write his name against the entry relating to him in Form-17B.
- (3) On receiving the ballot paper he shall forthwith –
  - (a) proceed to the voting compartment;
  - (b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote.
  - (c) fold the ballot paper so as to conceal his vote.
  - (d) show to the presiding officer, if required, the distinguishing marking on the ballot paper;
  - (e) give it to the presiding officer who shall place it in a cover specially kept for the purpose; and
  - (f) leave the polling station.
- (4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance; the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 49N for recording the vote in accordance with his wishes.

#### **49Q. PRESIDING OFFICER'S ENTRY IN THE VOTING COMPARTMENT DURING POLL**

- (1) The presiding officer may whenever he considers it necessary so to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.
- (2) If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.
- (3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.



#### **49R. CLOSING OF POLL**

- (1) The presiding officer shall close a polling station at the hour fixed in that behalf under section 56 and shall not thereafter admit any elector into the polling station.

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

- (2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the presiding officer and his decision shall be final.

#### **49S. ACCOUNT OF VOTES RECORDED**

- (1) The presiding officer shall at the close of the poll prepare an account of votes recorded in Form-17C and enclose it in a separate cover with the words 'Account of Votes Recorded' superscribed thereon.
- (2) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form-17C after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

#### **49T. SEALING OF VOTING MACHINE AFTER POLL**

- (1) As soon as practicable after the closing of the poll, the presiding officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.
- (2) The control unit and the balloting unit shall thereafter be sealed and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.
- (3) The polling agents present at the polling station who desire to affix their seals shall also be permitted to do so.

#### **49U. SEALING OF OTHER PACKETS**

- (1) The presiding officer shall then make into separate packets.–
  - (a) the marked copy of the electoral roll;
  - (b) the register of voters in Form 17A.
  - (c) the cover containing the tendered ballot papers and the list in Form-17B;
  - (d) the list of challenged votes; and
  - (e) any other papers directed by the Election Commission to be kept in a sealed packet.
- (2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

#### **49V. TRANSMISSION OF VOTING MACHINES, ETC. TO THE RETURNING OFFICER**

- (1) The Presiding Officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct
  - (a) the voting machine;
  - (b) the account of votes recorded in Form-17C;
  - (c) the sealed packets referred to in rule 49U; and
  - (d) all other papers use at the poll,
- (2) The returning officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

#### **49W. PROCEDURE ON ADJOURNMENT OF POLL**

- (1) If the poll at any polling station is adjourned under sub-section (1) of section 57, the provision of rules 49S to 49V shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 5.
- (2) When an adjourned poll is recommended under sub-section (2) of section 57, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The returning officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 17A and a new voting machine.
- (4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.
- (5) The provisions of rule 28 and rules 49A to 49V shall apply in relation to the conduct of an adjourned poll before it was adjourned.

#### **49X. CLOSING OF VOTING MACHINE IN CASE OF BOOTH CAPTURING**

Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

- (d) after rule 66, the following shall be inserted, namely, – **66A. COUNTING OF VOTES WHERE ELECTRONIC VOTING MACHINES HAVE BEEN USED** – In relation to the counting of votes cast at a polling station, where voting machine has been used–
  - (i) the provisions of rule 50 to 54 and in lieu of rules 55, 56 and 57 the following rules shall respectively apply, namely :–

#### **“55C SCRUTINY AND INSPECTION OF VOTING MACHINES:**

- (1) The returning officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

- (2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.
- (3) The returning officer shall satisfy himself that none of the voting machines has in fact been tampered with.
- (4) If the returning officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in section 58, or section 58A or section 64A, as may be applicable in respect of the polling station or stations where that machine was used.

#### **56C. COUNTING OF VOTES**

- (1) After the returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.
- (2) As the votes polled by each candidate are displayed on the control unit, the returning officer shall have :-
  - (a) the number of such votes recorded separately in respect of each candidate in Part-II of Form-17C.
  - (b) Part-II of Form-17C completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and
  - (c) corresponding entries made in a result sheet in Form-20 and the particulars so entered in the result sheet announced.

#### **57C. SEALING OF VOTING MACHINES**

- (1) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II of Form 17C and Form 20 under rule 56C, the returning officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so, however, that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.
- (2) The control unit so sealed shall be kept in specially prepared boxes on which the returning officer shall record the following particulars, namely :-
  - (a) the name of the constituency;
  - (b) the particulars of polling station or stations where the control unit has been used;
  - (c) serial number of the control unit;
  - (d) date of poll; and
  - (e) date of counting;

- (ii) the provisions of rules 60 to 66 shall so far as may be apply in relation to voting by voting by machines and any reference in those rules to :-
  - (a) ballot paper shall be construed as including a reference to such voting machine;
  - (b) any rule shall be construed as a reference to the corresponding rule in Chapter II of Part IV or as the case may be to rule 55C or 56C or 57C.
  - (c) in rule 92 of the principal rules, –
    - (i) after sub-rule (1) the following sub-rule shall be inserted, namely :–
      - “(1A) All voting machines used at an election shall be kept in the custody of the concerned district election officer”;
    - (ii) in sub-rule (2) after clause (d), the following clause shall be inserted, namely, :-
      - “(dd) the packets containing registers of voters in Form-17A;
    - (d) in rule 93 of the principal rules, –
      - (i) in sub-rule (1) after clause (d) the following clause shall be inserted namely :-
        - “(dd) the packets containing registers of voters in Form 17A.
      - (ii) after sub-rule (1) the following sub-rule shall be inserted namely :-
        - “(1A) The control units sealed under the provisions of rule 57C and kept in the custody of the district election officer shall not be opened and shall not be inspected by or produced before, any person or authority except under the orders of a competent court”.
    - (e) in rule 94 of the principal rules, after clause (a) the following clause shall be inserted, namely :–
      - “(aa) the voting machines kept in the custody of the district election officer under sub-rule (1A) of rule 92 shall be retained intact for such period as the Election Commission may direct and shall not be used at any subsequent election without the previous approval of the Election Commission,”;
    - (f) after rule 94A, the following rule shall be inserted, namely :–
 

Power of the Election Commission to issue directions, – “95. Subject to the other provisions of these rules, the Election Commission may issue such directions as it may consider necessary to facilitate the proper use and operation of the voting machines.”;
    - (i) after Form 17, the following Forms shall be inserted, namely :–

**FORM-17A**  
**(SEE RULE 49L)**

**REGISTER OF VOTERS**

Election to the House of the People/Legislative Assembly of the State/Union territory .....  
..... from ..... Constituency  
No. and Name of Polling Station ..... Part  
No. of Electoral Roll .....

Sl. No.	Sl. No. of elector in the electoral roll	Signature/Thumb impression of elector	Remarks
1.			
2.			
3.			
4.			
etc.			

Signature of the Presiding Officer

**FORM-17B**  
**(SEE RULE 49P)**

**LIST OF TENDERED VOTES**

Election to the House of the People/Legislative Assembly of the State/Union territory .....  
..... from ..... Constituency  
No. and Name of Polling Station ..... Part  
No. of Electoral Roll .....

Sl.	Name of elector	Sl. No. of elector in electoral roll	Sl. No. in Register of voters (Form 17A) of the person who has already voted in place of elector	Signature/Thumb impression of elector	No.
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Date .....

Signature of the Presiding Officer

**FORM-17C**  
**[SEE RULE 49S AND 56C (2)]**

**PART I—ACCOUNT OF VOTES RECORDED**

Election to the House of the People/Legislative Assembly of the State/Union territory.....  
..... from ..... Constituency No. and Name  
of Polling Station .....

Identification No. of Voting Machine used at the Polling Station. Control balloting Units:

1. Total No. of electors assigned to the Polling Station.
2. Total No. of voters as entered in the Register for Voters (Form 17A)
3. No. of voters deciding not to record votes under rule 49O
4. No. of voters not allowed to vote under rule 49M
5. Total No. of votes recorded as per voting machine.
6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus Nos. of voters deciding not to record votes as against item 3 minus No. of Voters as against item 4(2-3-4) or any discrepancy noticed.
7. No. of voters to whom tendered ballot papers were issued under rule 49P.
8. No. of tendered ballot papers.  
Sl. No.  
From ..... To .....  
(a) received for use .....  
(b) issued to electors .....  
(c) not used and returned .....
9. Account of paper seals  
Sl. No.  
From ..... To .....
  1. Serial Numbers of paper seals supplied  
From ..... To .....
  2. Total number supplied .....
  3. Number of paper seals used .....
  4. Number of unused paper seals returned to Returning Officer (Deduct item 3 from item 2)
  5. Serial number of damaged paper Seals, if any

Signature of Polling agents.

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....

Date .....  
Place .....

Signature of Presiding Officer  
Polling Station No. ....

## PART II—RESULT OF COUNTING

Sl. No.	Name of Candidate	No. of Votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
Total		

Whether the total nos. of votes shown above tallies with the total No. of votes shown against item 5 of Part I or any discrepancy noticed between two totals.

Place .....  
Date .....

Signature of Counting Supervisor

Name of candidate/election agent/counting agent

Full Signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Place .....  
Date .....

Signature of Returning Officer.  
[F. No. 7(36)/91-Leg, II]  
B.L. Mathuria, Jt. Secy.

**ANNEXURE II**  
**(CHAPTER I, PARA 2.6)**  
**NUMBER OF SEATS IN LOK SABHA**

Serial number and name of State / Union Territory		TOTAL	SC	ST
1		2	3	4
<b>STATES</b>				
1.	Andhra Pradesh	42	7	3
2.	Arunachal Pradesh	2	-	-
3.	Assam	14	1	2
4.	Bihar	40	6	-
5.	Chhattisgarh	11	1	4
6.	Goa	2	-	-
7.	Gujarat	26	2	4
8.	Haryana	10	2	-
9.	Himachal Pradesh	4	1	-
10.	Jammu and Kashmir	6	-	-
11.	Jharkhand	14	1	5
12.	Karnataka	28	5	2
13.	Kerala	20	2	-
14.	Madhya Pradesh	29	4	6
15.	Maharashtra	48	5	4
16.	Manipur	2	-	1
17.	Meghalaya	2	-	2
18.	Mizoram	1	-	1
19.	Nagaland	1	-	-
20.	Orissa	21	3	5
21.	Punjab	13	4	-
22.	Rajasthan	25	4	3
23.	Sikkim	1	-	-
24.	Tamil Nadu	39	7	-
25.	Tripura	2	-	1
26.	Uttaranchal	5	1	-
27.	Uttar Pradesh	80	17	-



28.	West Bengal	42	10	2
		<b>530</b>	<b>83</b>	<b>45</b>

UNION TERRITORIES

29.	Andaman & Nicobar Islands	1	-	-
30.	Chandigarh	1	-	-
31.	Dadra and Nagar Haveli	1	-	1
32.	Daman & Diu	1	-	-
33.	NCT Delhi	7	1	-
34.	Lakshadweep	1	-	1
35.	Pondicherry	1	-	-
	<b>Total</b>	<b>13</b>	<b>1</b>	<b>2</b>
	<b>Grand Total</b>	<b>543</b>	<b>84</b>	<b>47</b>

**ANNEXURE III**  
**(CHAPTER I, PARA 2.6.)**

## NUMBER OF SEATS IN STATE LEGISLATIVE ASSEMBLIES

Serial number and name of State / Union Territory		TOTAL	SC	ST
1		2	3	4
<b>STATES</b>				
1.	Andhra Pradesh	294	48	19
2.	Arunachal Pradesh	60	-	59
3.	Assam	126	8	16
4.	Bihar	243	38	2
5.	Chhattisgarh	90	10	29
6.	Goa	40	1	-
7.	Gujarat	182	13	27
8.	Haryana	90	17	-
9.	Himachal Pradesh	68	17	3
10.	Jammu and Kashmir	87	7	-
11.	Jharkhand	81	9	28
12.	Karnataka	224	36	15
13.	Kerala	140	14	2
14.	Madhya Pradesh	230	35	47
15.	Maharashtra	288	29	25
16.	Manipur	60	1	19
17.	Meghalaya	60	-	55
18.	Mizoram	40	-	38
19.	Nagaland	60	-	59
20.	Orissa	147	24	33
21.	Punjab	117	34	-
22.	Rajasthan	200	34	25
23.	Sikkim	32+	2	12++
24.	Tamil Nadu	234	44	2
25.	Tripura	60	10	20
26.	Uttaranchal	70	13	2

27.	Uttar Pradesh	403	85	-
28.	West Bengal	294	68	16
<b>Total</b>		<b>4020</b>	<b>597</b>	<b>553</b>

#### UNION TERRITORIES

29.	NCT Delhi	70	12	-
30.	Pondicherry	30	5	-
<b>Total</b>		<b>100</b>	<b>17</b>	<b>-</b>
<b>Grand Total</b>		<b>4120</b>	<b>614</b>	<b>553</b>

**Notes:** @ Excludes 24 seats for Pakistan occupied territory  
+Includes 1 seat reserved for Sangha constituency.  
++Reserved for Sikkimese of Bhutia Lepcha origin.  
\*\* Includes 12 seats reserved for Sikkimese of Bhutia-Lepcha origin.

**ANNEXURE IV**  
**(CHAPTER I, PARA 10)**  
**NO. 62/ESO14/94/PS.I DATED: 14<sup>TH</sup> SEPTEMBER, 1994**

**ORDER**

For ensuring the purity of electoral process and the smooth conduct of the elections, all the election related officials, from the level of the Chief Election Officers, Returning Officers to the level of Presiding Officers and Polling Officers and from the highest level of functionary in the police administration to the lowest level of constable play a key role.

2. The smooth conduct of any election requires a great deal of advance preparation, perfect planning and proper coordination amongst the various levels of functionaries of different departments and correct understanding by every functionary of the role assigned to him. This calls for a perfect team work and absolute understanding amongst the members of the team in order that this objective is achieved.

3. The Commission has been directing the Chief Electoral Officers and the District Election Officers to organize training programmes with practical rehearsals on the various steps involved in the conduct of elections. Attention in this connection is invited to para 12 of chapter XI of the Handbook for Returning Officers.

4. The quality of training will vary with the level of the group of officials for whom the training is being organized. It is of utmost importance for every official associated with the conduct of election that he should have a clear idea of the relevant provisions of the Constitution, the Representation of the People Act of 1959 and 1951, as also the rules made thereunder. In addition the Commission has been issuing various directions and instructions from time to time on a variety of aspects covering the entire gamut of elections, and more specifically those relating to the code of conduct to be observed by the parties, candidates and their agent, the rules that should govern the conduct of Government Servants, curbs on misuse of unaccounted financial resources, limits on election expenditure of the candidates, proper maintenance of law and order during election period, identification of sensitive constituencies, special measures to prevent booth capturing, special drives to unearth illegal arms, restrictions on grant of new arms licences, surrender of arms during specified periods, restriction on the sale of liquor during election period, regulation of vehicular traffic during elections and on the day of poll, prevention of defacement of public and private property, restrictions on use of loudspeakers and vehicles, the procedure for counting, the obligation of Returning Officers to get the Commission's permission for commencing counting and declaring results and so on.

5. Needless to say, all officers, civil as well as police, should be through with such directions and instructions of the Commission which alone will enable them to enforce those directions and instructions.

6. With a view to familiarizing fully the officers of the law and order organizations, both in the District police set up as well as such other police organizations as may be involved in the conduct of elections, with the prescribed procedures, provisions of law and the Commission's standing and specific orders,

directions and instructions, the Election Commission hereby directs that Police Officers from the level of Superintendent of Police to level of Sub-Inspector shall also be compulsorily trained on the conduct of elections.

7. The training for the Police officers shall be held separately, where, apart from their responsibility for maintaining proper law and order during the entire periods starting with the announcement of elections and till the completion of elections, the necessity of ensuring the strict implementation of the various standing and specific orders, directions and instructions of the Commission calculated to ensure a peaceful, free and fair election should be emphasized. Special attention should be drawn particularly in respect of, but not restricted to, orders which need the active involvement of the police for implementation, such as the standing orders/directions/instructions in regard to the identification of sensitive constituencies, seizure of illegal arms, surrender of licensed weapons, closure of liquor shops, restrictions on the use of vehicles, ban on use of any vehicle for transporting the elector on the day of poll. The Police officers should also be given a training on the aspects relating to conduct of poll and counting so that they acquire a working knowledge of the duties of polling and presiding officer and counting personnel and the statutory authority under which they work so that the police officers on duty can appreciate the action required to be taken by them and election related functionary in the event of any infraction. The police officers should also be sensitized to the necessity for the strict implementation of the Model Code of Conduct, prevention of defacement of property, restrictions on the use of loudspeakers, unauthorized incurring of election expenditure in violation of section 171H of the Indian Penal Code, publication of election pamphlets and posters in violation of section 127A of the Representation of the People Act, 1951 and the necessity for ensuring that the electioneering does not result in trampling on the rights of the citizens to have a peaceful life and public peace and tranquility is not disturbed.

8. Action to be taken in the event of any person found impersonating any other elector, entering the polling station without authorization of either the Returning Officer or the Election Commission and the preventive action necessary for curbing rigging and booth capturing should also be impressed upon. As immediate action against any violation will not only contain the situation but will also have a deterrent and demonstration effect, the police officers shall be directed to take the most expeditious and severe action as soon as any violation of the law and the commission's orders/directions/instructions come, or are brought, to their notice. Effective deployment and the need for coordination with the counterparts in the civil administration shall also be highlighted.

9. For imparting such training, the Senior Superintendent of Police shall request the District Election Officer/Returning Officer to conduct such specialized training and rehearsals.

10. The senior most officer of the civil administration and the senior most officer of the police administration shall preside over the training programme, as is appropriate with reference to the level of the trainees.

11. Failure to abide by the above order will be viewed as a grave lapse and will be visited with utmost serious and severe disciplinary action against the guilty and all other action available to it under the law.

12. Receipt of this order shall be acknowledged forthwith.

**ANNEXURE V**  
**(CHAPTER I, PARA 11)**  
**ELECTION COMMISSION OF INDIA**

**CHECK MEMO**

Requirements to be fulfilled in connection with Elections to House of the People and /or State Legislative Assembly.

Name of State/Union Territory :  
Name of the House : LOK SABHA/LEGISLATIVE ASSEMBLY  
Nature of Election : General Election/Bye-Election/  
Countermanded Election

If Bye-Election/Countermanded Election

(a) No. & Name of Constituency :  
(b) Reason for Vacancy :  
(c) Date of Vacancy :

If it is General Election

(a) Whether due to expiry of the  
term of House in normal course :  
(b) If so, give date of expiry term :

Item no.	Action to be taken	Remarks
1	2	3

**I-ELECTION PREPAREDNESS**

**ELECTORAL ROLLS**

1.1 Whether electoral rolls have already been revised, if so, :  
1.2 The nature of revision whether intensive or summary or special :  
1.3 Qualifying date :  
1.4. Date of final publication :  
1.5 Whether adequate copies available  
2.1 If rolls have not been revised whether any revision has been :  
ordered and if so, what is the qualifying date and date specified  
for final publication of the rolls  
2.2 Whether rolls have been finally published on due date :

3. In case rolls are not to be revised. :
- 3.1 Whether adequate copies of the rolls are available with CEO:
- 3.2. Whether action has been taken under section 21(2)(a) of the Representation of the People Act, 1950 to obtain the orders of the Commission in writing to dispense with the revision before the conduct of election. :
- 3.3. Whether such order has been published in the official gazette and if so, on what date :

### **LIST OF POLLING STATIONS**

1. When was the last list of polling stations approved by the Commission :
- 2.1. Whether any last date has been fixed for receipt of proposals from the CEO/DEO's for amendments to the said lists after consultation with political parties intending candidates, etc :
- 2.2. If so, whether the said deadline has been adhered to by CEO/DEO :
3. Whether the decision of the Commission has been conveyed to the CEO/DEO in regard to the proposed amendments and , if so, when :
- 4.1 Whether there were any complaints about the setting up of polling stations :
- 4.2. If so, whether necessary remedial action has been taken :
- 5.1. Whether fresh list of polling stations drawn after intensive revision of electoral rolls :
- 5.2. Whether proposals received within the specified period :
- 5.3. Whether all the list scrutinized or not :
- 5.4. Whether Commission's approval conveyed or not :

### **APPOINTMENT OF RETURNING OFFICERS AND ASSISTANT RETURNING OFFICERS**

1. When was the notification appointing Returning officers and Assistant Returning officers last issued and notified :
2. If, the notification has undergone a lot of changes and/or has become out-dated, whether any last date has been fixed for receipt of fresh consolidated proposals from the Chief Electoral Officer :

3. If a fresh notification is not necessary, whether any last date has been fixed for receipt of proposals from the Chief Electoral Officer for amendments in the list already notified :
4. Whether the consolidated proposals under item (2) or proposals for amendments under item(3), as the case may be, have been received by the stipulated date :
5. Whether the Commission's approval conveyed to the Chief Electoral Officer and, if so, whether revised notification/ amending notification issued and on what date. :
6. Whether the gazette copies containing the notification have been received; if not, what action has been taken to obtain them :
7. Whether any amendments have been made to the appointments of Returning Officers/Assistant Returning Officer after the election is announced; if so, give details. :

### **ELECTION MATERIALS**

- 1.1 Whether the periodical reports about the procurement of various election materials are being received from the CEO :
- 1.2 If so, whether the State is having sufficient stock of all polling materials, especially ballot boxes (in working condition), voting machines, arrow cross marks, rubber stamps, indelible ink phials, symbol blocks and green paper seals, paper for printing ballot papers, etc, :
- 1.3. If not, what action has been taken to obtain such materials :
- 2.1 Whether States where electronic voting machines will be used have been identified :
- 2.2. If not , the reasons therefor :
3. Whether statutory and non-statutory forms are sufficiently available in the State. :
4. Whether sufficient copies of manual/handbooks are available in the State :
- 5.1. Whether list of disqualified persons has been dispatched to the Chief Electoral Officer/Returning Officers of the State :
- 5.2. Whether the said list has been received by the CEO for circulation to the ROs :



## II-PRE-ELECTION PHASE ELECTION PROGRAMME

1. If the State is under the President's rule
- 1.1. Whether intimation received from the Union Home Ministry that general election to the State Legislative Assembly may be held :
- 1.2. If so, whether any indication given by Central Government as to when general election may be held :
- 2.1 Whether action has been taken to hold a meeting with Chief Secretary, CEO, Director General of Police and a Senior Officer from the Union Home Ministry dealing with law and order before finalising the programme :
- 2.2. If so, what is the date and time fixed for the meeting :
- 2.3. Whether the agenda of the meeting listing items for discussion circulated/dispatched to concerned officers :
- 2.4. Whether meeting held on the said date and time :
- 2.5. Whether proceeding have been drawn for the meeting :
3. While fixing the programme, whether availability of Central Forces, if necessary, and other man power requirements and requirements of material have been taken into account :
- 4.1 Whether suitability of the period from points of view of climatic conditions, Schools/College examinations, major festivals, harvesting season, law and order situation etc., have been examined. :
- 4.2. Whether dates of election stages finalised :
- 5.1 Whether proceedings for the general elections to be sent to the President/Governor and Commission's notifications have been got approved from the Commission :
- 5.2. Whether Press Note prepared and got approved for issue :
6. Whether any date has been fixed by the Commission
  - (i) for sending the proceedings to the President/Governor, and if so, whether sent on the due date :
  - (ii) for sending advance copies of Commission's notifications under section 147/149/150/151 (in case of bye-elections) Section 30 and Section 56 of the Representation of the People Act, 1951 to the Government of India Press and/or Chief Electoral Officer and Ministries concerned and, if so, whether sent on the due date :

7. Whether confirmation obtained that Commission's proceedings have been received by the President/Governor and arrangements made for publishing the notification on due date :
8. Whether confirmation obtained that Commission's notifications have been received by the Govt. of India Press/Chief Electoral Officer and arrangements made for publishing the same in the Gazette on due date :
9. Whether Press Note announcing the election programme has been issued and, if so, on what date :
10. Whether the intimation of election programme has been sent to PIB, political parties and concerned Ministries and, if so, on what date. :
11. Whether copies of election programme have been sent to concerned Section in the Commission like P.S.I., P.S II, M & M Section, J S.II, Statistical Section, etc :
- 12.1 Whether any general guidelines have been issued to the Chief Electoral Officer about the commencement of counting :
- 12.2. Whether attention has been drawn to directions about the number of counting tables :
13. Whether any time limit has been fixed for receipt of the counting programme and counting centres from the Returning Officers/ CEOs and if so, steps taken to obtain the programme from them within the stipulated time :
- 14.1 Whether letter has been issued to the Railway Board to accord priority in movement of men and material connected with the elections, if so, when :
- 14.2. Whether Railway Board have issued necessary instructions (if so, give number and date of the letter) :
- 15.1. Whether letter to Indian Airlines has been issued to accord similar priority to movement of men and material connected with the elections, if so, when :
- 15.2. Whether the Indian Airlines has issued necessary instructions (if so, give the number and date of the letter ) :
- 16.1. Whether arrangements have been made to instal telephone hot lines between Election Commission and Chief Electoral Officer : 16.2 if so, from what date and whether Commissioned from the due date :

- 17.1. Whether similar arrangements have been made to instal telephone hot lines between Chief Electoral Officer and District Election Officers/Returning Officers :
- 17.2. If so, from what date and whether commissioned from due date :
- 18.1. Whether action has been taken to introduce camp bag system :
- 18.2. If so, from what date and whether system has started functioning from the due date :
- 19.1. Whether action has been taken to set up control room in the Commission :
- 19.2. If so, from what date and whether control room has started functioning from the due date :
- 20.1. Whether action has been taken to set up complaints and information cell in the Commission :
- 20.2. If so, from what date and whether complaints and information cell started functioning from the due date :
- 21.1. Whether up-dated copy of Notification relating to recognised and registered unrecognised political parties, reserved an free symbols has been sent to the CEO :
- 21.2. Whether list of office bearers of recognised political parties have also been circulated to CEO :

### **III-ELECTION PHASE**

#### **FROM NOTIFICATION TO END OF CAMPAIGN PERIOD**

1. Whether daily reports of law and order situation are being received from CEO :
- 2.1. Whether copies of consolidated instruction have been sent to Chief Secretary, CEO, various Ministries of the Government drawing their attention to relevant portions on which they have to take action. :
- 2.2. Whether order on closure of liquor shops has been issued :
- 2.3. Whether order on polling day to be declared as holiday has been issued :
- 2.4. Whether complaints received have been entered in the register and follow up action being taken :
3. Whether copies of Model Code of Conduct have been sent to Chief Secretary of State and Cabinet Secretary drawing attention to various provisions of the Model Code for compliance :

- 4.1. Whether the Commission has fixed any date from which the (a) Model Code of Conduct and (b) ban on transfers will apply :
- 4.2. If so, whether the said date(s) has/have been intimated to Cabinet Secretary and Chief Secretary to State Government :
- 5.1. Whether the Commission has decided to appoint observers and fixed any norms for their appointments per constituency and, if so, what are those norms :
- 5.2. Whether lists of officers have been obtained from the Establishment Officer for Central Observers and from CEO for State Observers :
- 5-3 Whether appointment letters have been issued to all Central and State Observers and received by them :
- 5.4. Whether any briefing of Central Observers by CEC considered necessary and if so, whether and date fixed for such briefing and intimated to the observers :
- 5.5. Whether the aforesaid briefing held on the due date :
6. Whether Index Cards despatched by Statistical Section to the CEOs concerned :
- 7.1. Whether secret seals have been despatched to all Returning Officers :
- 7.2. Whether confirmation received from all Returning Officers about the receipt of secret seals :
- 8.1. Whether any date has been fixed by the Commission for receipt of applications/requests for issues of entry passes for polling stations and counting halls :
- 8.2. Whether such date has been intimated to the Principal Information Officer to the Government of India and the Chief Electoral Officer :
- 9.1. Whether the Ministry Information and Broadcasting has been written about the implementation of the scheme of political telecasts over Doordarshan and broadcasts over AIR and, if so, on what date :
- 9.2. Whether publicity about election slides/skits/documentaries arranged and done :
- 9.3. Whether publicity given about Commission's Control Room/Complaint Cell :

10. Whether the lists of nominated candidates alongwith preference given by the candidates for election symbols have been received from all Returning Officers, if not, the action taken to obtain the lists :
11. Whether the lists of validly nominated candidates (Form 4) have been received from all Returning Officers; if not, the action taken to obtain the lists :
- 12.1. Whether the lists of contesting candidates (Form 7A) have been received from all Returning Officers; if not, the action taken to obtain the lists :
- 12.2. Whether each such list has been scrutinized to ensure that it has been prepared correctly and allotment of symbols has been made correctly :
- 12.3. If any discrepancy noticed in any list , whether the remedial action has been taken to remove the discrepancy noticed :
- 12.4. Whether lists of contesting candidates duly corrected, wherever necessary, have been sent for publication in the Gazette; if so, on what date :
- 12.5. Whether Gazette copy of these list has been received from the Govt. Press/CEO; if not, the action taken to obtain the same :
- 13.1 Whether there is any case of uncontested election; if so, from which constituency :
- 13.2. Whether the declaration of result of election in Form 21/21B has been received from the Returning Officer in the case of uncontested election :
14. Whether satisfactory arrangements made for the printing of ballot papers; if not, steps taken to ensure timely printing of ballot papers and distribution to the Returning Officers :
15. Whether formation of polling parties completed satisfactorily and certificate received from the District Election Officers through the Chief Electoral Officer that the Commission's instructions regarding mixing of Central and State Government employees have been duly followed :
- 16.1. Whether election has been countermanded in any constituency under section 52; if so, in which constituency :
- 16.2 Whether the order of the Returning officer received :

## DAY OF POLL

1. Whether the poll has started in all constituencies at the scheduled hour :
- 2.1 Whether there is any case of adjourned poll; if so, in which constituency (ies) :
- 2.2. If so, whether the report has been received from the Returning Officers in the prescribed format , under section 57(1) of the Representation of the People Act, 1951 :
- 2.3. Whether necessary direction given under section 57(2) of the Representation of the people Act,1951 for completion of adjourned poll in each cases :
- 2.4. Whether the Returning Officer has been instructed not to take up the counting of votes till the completion of the adjourned poll :
- 3.1. Whether there is any case of fresh poll in any constituency (ies) :
- 3.2. Whether report of the Returning Officer has been received in the prescribed format under section 58(1), or 58A (1),as the case may be, of the Representation of the People Act, 1951 :
- 3.3. Whether necessary direction/ order of the Commission issued under section 58 (2)/58A(2) for holding fresh poll in each case :
- 4.1. Whether any direction issued for withholding declaration of result of election until clearance given by the Commission :
- 4.2. Whether in the above case report of the Returning Officer received, scrutinised and submitted for decision :
5. Whether election in any constituency countermanded by the Commission under section 58A(2)(b); if so, whether the Returning Officer, Chief Electoral Officer, contesting candidates informed of the Commission's order :
6. Whether election authorities have lodged FIRs in case of booth capturing, violence and other electoral offences and whether these case are being properly prosecuted :

## COUNTING OF VOTES AND DECLARATION OF RESULTS

1. Whether counting has been stopped in any constituency under the direction of the Commission; if so, name of the constituency :
- 1.2. Whether confirmed that Commission's direction has been communicated to Returning Officer, if not, the action taken to get the confirmation :

- 1.3 Whether further direction given to the Returning Officer to start the counting after completion of the enquiry, etc. if the counting was stopped; if not, the reason therefor :
2. Whether counting has started in all other constituencies on the appointed date and hour, if not, the reasons therefor :
- 3.1. Whether any Returning Officer has referred any case to the Commission for directions under paragraphs 20 to 23 of the "Directions relating to booth capturing" : if so, name of the constituency :
- 3.2 Whether necessary direction of the Commission has been given and conveyed to the Returning Officer :
4. Whether declaration of the result of election has been stopped by the Commission until further direction from it; and if so, the name of the constituency :
5. Whether confirmed that the Commission's direction has been conveyed to the Returning Officer, if not, action taken to confirm the same :
6. Whether further direction given to the Returning Officer to declare the result after completion of the enquiry, etc, for which the declaration was stopped :
- 7.1. Whether counting has been completed in all constituencies and results declared before the date fixed for completion of elections :
- 7.2. If not, steps taken to extend the date for completion of elections in the constituencies concerned :
8. Whether telegraphic information regarding result of elections received from all constituencies ; if not, action taken to obtain the same :
9. Whether formal declaration of result in Form 21C/21D,(as may be appropriate) received from all Returning officers ;if not, action taken to obtain the same :
10. Whether return of election in Form 21E received from all Returning Officers, if not, action taken to obtain the same :
11. Whether final result sheet in Form 20 received from all Returning Officers; if not, action taken to obtain the same :
- 12.1 Whether the "due constitution" notification has been approved by the Commission :

- 12.2. Whether Commission has fixed any date for issue of due constitution notification; is so, on what date :
- 12.3 Whether the notification has been sent to the Govt. of India Press/Chief Electoral Officer for publication in the Gazette; if so, on what date :
- 12.4. Whether notification has been published in the gazette on the date. :
- 12.5 Whether gazette copy received, if not, action taken to obtain the same :
13. Whether an authenticated copy of the “due constitution” (duly bound) has been sent to the Speaker of the House; if so, on what date :
14. Whether copy of Gazette publishing declaration of results received from the Ministry of Law and Justice (in the case of Lok Sabha general election) and Chief Electoral Officer (in case of Assembly general election) :
15. Whether information regarding multiple election collected and follow-up action taken :

#### **IV-POST -ELECTION PHASE GENERAL**

1. Whether Commission’s secret seals have been received back from all Returning Officers which they are required to return within 24 hours of declaration of result; if not, steps taken to obtain the same and for ascertaining the reasons for delay :
2. Whether index cards received from all Returning Officers; if not, action taken to obtain the same :
3. Whether check memos (Annexure IV to the Returning Officers Handbook) duly filled in received from all Returning Officers; if not, action taken to obtain the same :
4. Whether reports on the elections by the ROs (Annexure XXXIV to the Returning officer; handbook ) received from all returning officers; if not, action taken to obtain the same :
5. Whether two unused (duly cancelled) ballot papers for each constituency received from the Returning Officers; if not, action taken to obtain the same :
6. Whether certificate regarding disposal of surplus ballot papers received from the Chief Electoral Officers; if not, action taken to obtain the certificate :



## **V-BYE-ELECTIONS**

1. If a vacancy has occurred necessitating a bye-election, whether occurrence of vacancy has been certified by the Secretariat of the House concerned :
- 1.2. If not, whether any official intimation received from the Chief Electoral Officer or District Election Officer, if so, on what basis :
2. Whether it has been ascertained that no election petition or any other court proceeding is pending on account of which the bye election may not be held; if not , action to ascertain the position :
3. In the case of election having been set aside by the High Court, whether it has been ascertained that no appeal has been filed in the Supreme Court and stay granted; if not, action taken to ascertain the position :
- 4.1 In the event of the seat becoming vacant by reason of resignation, death, etc. immediately after the general election, whether the period for filling election petition is over :
- 4.2. If so whether any election petition has been filed on account of which the bye election may not be held :
5. If the vacancy is required to be filled whether steps taken to revise the electoral rolls as required under section 21(2) (b) (ii) of the Representation of the People Act, 1950 or orders obtained under section 21(2)(a) of the Act :
6. Whether Register of bye-election is being maintained and proper entries made in the Register regarding vacancies

## **VI-ACCOUNTS OF ELECTION EXPENSES**

1. Whether the reports of the District Election Officers/ Returning Officers have been received in Annexure XXXIII of the handbook for Returning officers about lodging of accounts of election expenses by candidates (such reports must be sent by the District Election Officers/Returning Officers immediately after the last date for filing accounts of election expenses and in any case not later than the 10th day after such expiry date); if not, names of District Election officers from whom reports not received and action taken to obtain such reports :
2. Whether the reports are complete in respect of all contesting candidates; if not, action taken to obtain reports in respect of the remaining candidates :

3. Whether in the case of candidates who have not filed the accounts in the manner required by law, the account and the vouchers have been sent by the District Election Officer/ Returning Officer; if not, action taken to obtain them :
4. Whether show cause notices have been issued in the case of all defaulting candidates; if not, reasons therefor :
5. Whether the reports of the District Election Officer/Returning Officer on the show cause notice have been received in all cases with account of election expenses, if any; if not, action taken to obtain such reports :
6. Whether action has been taken in respect of all the cases of defaulting candidates after the supplementary report of the District Election Officer/ Returning Officer; if not, the reasons therefor :
7. Whether Order containing names of the candidates disqualified under Section 10 A of the Representation of the People Act, 1951, issued on the due date :
8. Whether copies of the order supplied to J S I for maintaining consolidated list of disqualified candidates :

## **VII-ELECTION PETITION**

1. Whether information relating to filing of election petitions has been received from high court ; if not whether action has been taken to obtain such information from the Registrar of High Court after the last date for filing such petition is over :
2. Whether an election petition register has been opened and whether entries have been made in respect of each election petition giving particulars :
3. Whether reports have been received about disposal of election petition by the High Court; if not, received within a reasonable time, action taken to obtain such information :
4. In case of disposal of election petition by High Court, whether any intimation has been received about filing of an appeal in the Supreme Court, if not received within a reasonable time after the expiry of the period for filing appeal, whether action taken to obtain information :
5. In cases where appeals have been filed, whether reports have been received about stay granted, if any, and disposal of the appeals by the Supreme Court, if not received within a reasonable time, whether action taken to obtain information :

6. In case of withdrawal of petition allowed by the High Court whether procedure laid down in Sections 109 to 111 of the Representation of the People Act, 1951 has been followed or not :
7. Whether in case of abatement of petition procedure laid down in Section 112 and 116 followed or not :
8. Whether action to publish the Judgement/Orders under Section 106, 111 and 116C taken :
- 9.1 Whether any person has been found guilty of a corrupt practice by the High Court/Supreme Court :
- 9.2. If so, whether action taken to remind the Secretary of the House concerned for referring the matter to the President under Section 8A(1) of the Representation of the People Act, 1951 :
- 9.3 Whether a reference received from the President under Section 8A (2) for the Commission's opinion; if not, whether action taken to pursue the matter :
- 9.4 Whether opinion of the Commission sent to the President; if so, on what date :
10. Whether the High Court/Supreme Court has passed and strictures against any officials; if so, whether necessary follow-up action has been taken :
11. Whether orders have been obtained as to whether the judgement is to be reported in the ELRs :

### **VIII-SYMBOLS ORDER**

Whether poll performances of political parties reviewed and fresh notification under the Symbols Order issued, if not, reasons therefor :

### **IX-ELECTORAL COLLEGE FOR PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS**

Whether intimation about vacancies and results of bye elections and nominations in the Houses has been communicated to the concerned Section in the Election Commission dealing with maintenance of the Electoral College for the Presidential and Vice-Presidential Elections; if not reasons therefor :

**ANNEXURE VI**  
**(CHAPTER II, PARA 5.1)**  
**LIST OF POLLING STATIONS**

for..... (Assembly Constituency within the)  
..... Parliamentary Constituency.

Sl. No. of Polling Station	Locality	Building in which it will be located	Area of the Polling Station	Whether there is a separate entrance and exit, if not reasons	Polling* Areas	Whether for all voters or men only or women only	Total Number of Voters assigned	Maximum distance that a voter will have to travel to reach the station	Remarks
1	2	3	4	5	6	7	8	9	10

1. Total number of voters
2. Total number of polling stations proposed
3. Average number of voters per polling station

Date.....

*District Election Officer/Returning Officer*

\* Here give names of villages, wards, streets, localities, house numbers and part NO. of the electoral roll assigned. In case part is split up into two polling stations, then the serial numbers (not the house numbers) of the voters assigned should also be mentioned.

\* Will not apply in the case of Union Territories (1) Andaman and Nicobar Islands, (2) Chandigarh, (3) Dadra and Nagar Haveli, (4) Lakshadweep and (5) Daman and Diu.

**ANNEXURE VII**  
**(CHAPTER II, PARA 6.7)**

**SCRUTINY SHEET FOR LIST OF POLLING STATIONS**

..... Assembly  
Constituency of ..... State

1. Date of Poll.....
2. Total number of voters in the Constituency ..... (a)
  - (a) Men .....
  - (b) ..... Women  
.....
  - (c) Service Voters .....
  - Total .....
3. Number of polling stations required on the basis of an average :  
of 1000 voters per polling station.
4. Total number of polling stations actually provided. :
5. Average number of voters per polling station :
6. Number of polling stations to each of which more than 1200 voters :  
have been assigned, indicating the highest number of voters  
assigned to a polling station.
7. The lowest number of voters assigned to a polling station. :
8. Whether the number of voters in respect of each component village :  
or other unit of the polling area has been shown in the list/map.
9. No. of polling stations for which the maximum distance that a voter :  
will have to travel is more than 2 kilometers.
10. Whether all the polling areas have been clearly demarcated :
11. Whether serial number of polling stations has been done in a :  
systematic manner.
12. (a) Whether there are any areas predominantly inhabited :  
by electors belonging to Harijan and other weaker  
sections of the society  
(b) If so, the number of polling stations set up separately for :  
them and the total number of electors assigned to each  
of them

13. Whether any polling station has been proposed to be located in any :  
 (a) Private building  
 (b) Temporary structure, and if so, whether the exact site chosen :  
 for the location of the polling stations has been clearly  
 indicated in the list
14. No. of polling stations which have less than 20 sq. mt. area. :
15. Whether it has been certified that the private buildings do not :  
 belong to any of the Candidates, his active workers or known  
 sympathizers.
16. Details of Polling stations where more than 4 polling stations in :  
 urban areas and more than 2 polling stations in rural areas have  
 been located in the same building
17. Whether it has been certified that all the polling areas within the :  
 constituency are covered by the proposed polling stations.
18. (a) Serial Nos. of separate polling stations provided for :  
 women voters  
 (b) In case of (a) above, whether polling stations for men :  
 and women voters of a particular area have been  
 located in the same building
19. Serial number of polling stations which have not been situated in :  
 the villages having the largest number of voters
20. Serial number of polling stations which have not been located in :  
 any of the villages attached to it
21. Whether the list has been informally published and discussed with :  
 the political parties, etc.
22. When the electoral roll of the Constituency was last intensively :  
 revised; and whether there is any proposal of such revision again  
 during the year
23. Any other remarks

*District Election Officer*

**Note :** Please specify the serial numbers in addition to total number of polling stations against items 6, 7, 12(b), 13, 14, 16, 18, 19 and 20.

**ANNEXURE VIII**  
**(CHAPTER II, PARA 6.7)**

**CERTIFICATE TO BE FURNISHED ALONG WITH**  
**LIST OF POLLING STATIONS**

- (i) That the draft, list was duly published, objections and suggestions were invited, and discussed with the party representatives and legislators on the lines indicated in the Commission's Directions;
- (ii) That all the polling areas within the constituency have been covered in the list;
- (iii) That no building, public or private, which is a temple, church, mosque, gurudwara or has any religious significance or in respect of which any section of the public may have any legitimate objection or enter, has been proposed as a polling station;
- (iv) That no police station, hospital or dispensary is proposed as a polling station;
- (v) That separate polling stations have been set up in areas electors of which are predominantly Harijan and other weaker sections of the society and that no such area has been either left out or linked with areas where electors predominantly belong to forward communities.
- (vi) Where the usual limit of 1 500 voters per polling station or the limit of two kilometers beyond which a voter should not ordinarily be required to walk has not been maintained , no better arrangement is practicable ;
- (vii) That no private building in the list of polling stations belongs to any political party or is known to belong to any prominent or active member of any of the political parties; and
- (viii) In cases where private buildings have been selected as polling stations, the written consent of the owner for the purpose has been obtained.

*Signature of the*  
*District Election Officer /*  
*Returning Officer*

Place .....

Date .....

**ANNEXURE IX**  
**(CHAPTER II, PARA 7.1)**  
**ELECTION COMMISSION OF INDIA**

**ORDER**

In exercise of the powers conferred by section 25 of the Representation of the People Act, 1951, the Election Commission hereby directs that the District Election Officer of a district shall publish the list of polling stations provided by him for every constituency, the whole or greater part of which lies within his jurisdiction, with the previous approval of the Commission, by making a copy of there of available for inspection and displaying a notice in the form appended

- (a) at his office, and
- (b) at the office of the Electoral Registration Officer for the constituency.

The District Election Officer shall, as far as practicable, also make a copy of the relevant parts of the list, together with the notice in the form appended available for inspection at such of the following places as he may consider necessary-

- (i) In the office of the Collector/District Magistrate/Sub-divisional Magistrate/Revenue Divisional Officer/Judges and Munsif Courts/Prant Officer/Tahsildar/Amildar/Deputy Tahsildar/Sub-Registrar/Police Stations/Mauzadars or Sarpanches or Union/Panchayat Ghars/Union Boards/District Board/Municipal Committee/Notified Area Committee, and
- (ii) Such other places and in such other manners as he may consider necessary and suitable.



**ANNEXURE X**  
**(CHAPTER II, PARA 7.1)**

**NOTICE OF PUBLICATIONS OF LIST OF POLLING STATIONS**

In pursuance of the provisions of section 25 of the Representation of the People Act, 1951, I .....  
..... District Election Officer of ..... District in the  
State of ..... / Returning Officer hereby provide for Parliamentary/Assembly Constituency  
with the previous approval of the Election Commission, the polling stations specified in the appended list  
for the polling areas or groups of voters noted against each.

*District Election Officer/Returning Officer*

Date.....

..... Constituency

List of polling stations for .....

[Assembly Constituency comprised within the] .....

Parliamentary constituency.

Serial No	Locality of Polling Station	Building in which it will be located	Polling Area	Whether for all voters or men only or women only
1	2	3	4	5

District Election Officer

Date .....

Returning Officer

Place .....

**Note** Will not apply in the case of Union Territories of (1) Andaman and Nicobar Islands, (2) Chandigarh,  
(3) Dadra and Nagar Haveli, (4) Lakshadweep and (5) Daman and Diu.

**ANNEXURE XI**  
**(CHAPTER III, PARA 10.1)**

**ORDER OF APPOINTMENT OF PRESIDING AND  
POLLING OFFICERS**

(To be made in duplicate at General Election)

House of the people ..... 200

General, Bye-election to the .....

Legislative Assembly of .....

In pursuance of sub-section(1) and sub-section (3) of section 2.6 of the Representation of the People Act, 1963 (43 of 1951), I hereby appoint the officers specified in column 2 and 3 of the Table below as Presiding Officer and Polling Officers respectively for the polling station specified in the corresponding entry in column 1 of the Table provided by me for\* .....Assembly Constituency/forming part of Parliamentary Constituency.

I also authorise the Polling Officer specified in column 4 of the Table against that entry to perform the functions of the Presiding Officer during the unavoidable absence, if any, of the Presiding Officer.

**TABLE**

*Polling Station number and name with complete particulars of its location	Name of the Presiding Officer	Names of the Polling Officers	Polling Officer authorised to perform the functions of the presiding officer in the latter's absence
1	2	3	4

The poll will be taken on ..... (date) during the hours.....to.....

The Presiding Officer should arrange to collect the polling materials from.....(full address of the place)  
and after the poll, these should be returned to collecting centre at .....  
..... (full address of the place).

*\*For the purpose of filling this column, see para 10.2 of Chapter III*

Place .....

Signature .....

Date .....

District Election Officer

Returning Officer

Place .....

District .....

Assembly Constituency

Signature .....

District Election Officer/

Returning Officer .....

Place.....

..... District

Date .....

Parliamentary Constituency .....

Constituency

*\* Omit if not applicable.*

**Note** The notice will be signed by the District Election Officer/Returning Officer, as indicated in paragraph 10.4 of Chapter III.

## **ANNEXURE XII (CHAPTER IV, PARA 1)**

List of polling materials for a polling station where Electronic Voting Machine is used.

1. Control Unit	
1	
2 .Balloting Unit(s) upon the	1 or more (Depending Nos. of Candidates)
3. Register of voters (Form 17A)	1
4. Voter's Slip	1600
5. Working Copies of Electoral Rolls	3
6. Ballot Papers (for tendered votes)	20
7. Indelible Ink each	2 Phial of 10C.C.
8. Address Tag for Control Unit	5
9. Address Tag for Balloting Unit	4
10. Special Tag	3
11. Green Paper Seals for EVM	4
12. Strip Seal	3
13. Rubber Stamp Arrow Cross Mark	1
14. Stamp Pad (Purple)	1
15. Metal Seal for Presiding Officer	1
16. Match Box	1
17. Presiding Officer's Diary	1
18. Distinguishing Mark Rubber Stamp	1
19..Commission's order o identification of electors through alternate documents	1

### **20. FORMS**

(i) List of Contesting Candidates	1
(ii) List of Challenged Votes (Form-14)	2
(iii) List of Blind and Infirm Voters (Form-14A)	2
(iv) List of Tendered Votes (Form-17B)	2
(v) Accounts of votes Recorded (Form-17C)	10

(vi) Record of paper seals used	2
(vii) Receipt Book for deposit of challenged votes fee	1 Book
(viii) Letter to S.SH.O	4
(ix) Declaration by the Presiding Officer before the Commencement of Poll and at the end of poll (Part I to IV)	2
(x) Declaration by Elector about his age	2
(xi) List of Electors who voted after giving declaration/ refused to give declaration	4
(xii) Declaration by the companion of blind and inform voter	10
(xiii) Passes for Polling Agents	

## **21. ENVELOPES**

(i) For smaller envelopes (Statutory Covers)(SE-8)	1
(ii) For marked copy of electoral rolls (SE-8)	1
(iii) For other copies of electoral rolls (SE-8)	1
(iv) For Tendered Ballot Paper and Tendered Voters List	1
(v) For Declaration by the Presiding Officer before commencement of the poll and at the end of the poll (SE-7	1
(vi) For account of votes recorded (Form 17C) (SE-5)	1
(vii) For list of challenged votes (SE-5)	2
(viii) For unused and spoiled paper seals (SE-5)	1
(ix) For appointment letters of Polling Agents (SE-6)	1
(x) For list of blind and infirm voters (SE-5)	1
(xi) For Presiding Officer's Diary's report (SE-6)	1
(xii) For Election Duty Certificate (SE-5)	1
(xiii) For Receipt Book and Cash forfeited (SE-6)	1
(xiv) For declaration of comparisons (SE-5)	1
(xv) For smaller envelopes (others) (SE-7)	1
(xvi) For Register of Voters containing signatures of voters (Form 17A) (SE-8)	1
(xvii) For other relevant papers (SE-5)	1
(xviii) For smaller envelopes (SE-8)	1
(xix) Cover for Presiding Officer's brief record under rule 40 (SE-6)	1
(xx) Plain envelopes (SE-7)-2 (SE-8)-	3 5

(xxi) For unused ballot papers (SE-7)	1
(xxii) For any other paper that the R.O. has decided to keep in the sealed cover	1
(xxiii) Cover for unused and damaged special tag (SE-7)	1
(xxiv) Cover for unused and damaged strip seal (SE-7)	1
(Wherever the envelopes are smaller in size the packing paper may be used and where the relevant printed envelope is not available plain envelope can be used and purpose may be indicated with red ink)	

## 21 SIGN BOARDS

- (a) Presiding Officer
- (b) Polling Officer
- (c) Entry
- (d) Exit
- (e) Polling Agent
- (f) Miscellaneous Notice specifying area etc.as required by Rule 30(1)(a)

## 22 STATIONERY

(i) Ordinary pencil	1
(ii) Ball Pen	3 Blue
+ 1 Red	
(iii) Blank Paper	8
sheets	
(iv) Pins	25
pieces	
(v) Sealing Wax	6
sticks	
(vi) Material for Voting Compartment	2+2 =
4	
(vii) Gum paste	1
bottle	
(viii) Blade	1

(ix) Candles	4
sticks	
(x) Thin Twine Thread	20
mtrs.	
(xi) Metal rule	1
(xii) Carbon Paper	3
(xiii) Cloth or Rag for removing oil etc.	3
(xiv) Packing paper	2
sheets	
(xv) Cup/Empty tin/Plastic Box for holding indelible ink bottle	1
(xvi) Drawing pins	24
pieces	
(xvii) Check list	2
(xviii) Rubber Bands	20
pieces	
(xix) Cello Tape	1

**Lists of material to be returned by the Presiding Officer to the Sector Officer separately who is turn will deposit them in store at the office of the Chief Electoral Officer/District Election Officer –**

1. Arrow Cross Mark Rubber Stamp
2. Metal Seal of Presiding Officer'
3. Stationery bag containing
  - (i) Self inking pad
  - (ii) Material for voting compartment
  - (iii) Metal Rule
  - (iv) Plastic box for holding indelible ink
  - (v) All other unused items

**ANNEXURE XIII-A  
(CHAPTER V, PARA 9.2)  
(STATUTORY RULES AND ORDER)**

**1[FORM-2A  
(SEE RULE 4)**

**NOMINATION PAPER**

Election to the House of the People.....

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

**PART I**

*(To be used by candidate set up by recognised political party)*

I nominate as a candidate for election to the House of the People from the .....  
..... Parliamentary constituency.

Candidate's name ..... father's/mother's/  
husband's name ..... His postal address .....  
His names is entered at S. No. .... in Part No. .... of the electoral  
roll for ..... \*(Assembly constituency  
comprised within) ..... Parliamentary constituency.

My name is ..... and it is entered at S.No.....  
..... in Part No. .... of the electoral rolls for  
.....  
\*Assembly constituency comprised within ..... Parliamentary constituency.

Date .....

(Signature of proposer)

**PART II**

*(To be used by candidate NOT set up by recognised political party)*

We hereby nominate as candidate for election to the House of the People from the.....  
..... Parliamentary Constituency.

Candidate's name ..... Father's/mother's/  
h u s b a n d ' s  
name..... His  
postal address.....

His name is entered at S.No..... in Part No.....of the electoral roll for  
..... \*(Assembly constituency comprised within)  
..... Parliamentary constituency.

We declare that we are electors of the above parliamentary constituency and our names are entered

*1 Substituted by Notification No. SO 558(E), dt. 9.8.1996.*



in the electoral roll for the Parliamentary Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:-

***PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES***

Sl. No.	Electoral Roll No. of Proposer			Full Name	Signature	Date
	@Name of Component Assembly Constituency	Part No. of Electoral Roll	S.No. in that Part			
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

**N.B.:** There should be ten electors of the constituency as proposers.

**PART III**

I, the candidate mentioned in Part I/Part II (*Strike out which is not applicable*) assent to this nomination and hereby declare:-

(a) that I have completed.....years of age;

*[STRIKE OUT b(i) or b(ii) BELOW WHICHEVER IS NOT APPLICABLE]*

(b) (i) that I am set up at this election by the.....party, which is recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(ii) that I am set up at this election by the.....party, which is a registered-unrecognised political party/that I am contesting this election as an independent candidate. (*Strike out which is not applicable*) and that the the symbols I have chosen, in order of preference, are:-

(i)..... (ii)..... (iii).....

- (c) that my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language);
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the House of the People.

+ I further declare that I am a member of the.....

\*\* Caste/tribe which is a scheduled

\*\*\* caste/tribe of the State of.....in relation to.....(area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present  
\*\*general election/the bye-elections being held simultaneously, to the House of the People from more than two Parliamentary Constituencies.

Date .....

Signature of the Candidate

*\* Score out the words "assembly constituency comprised within" in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.*

*+ Score out this paragraph, if not applicable.*

*\*\* Score out the words not applicable.*

*@ Not applicable in the case of Jammu and Kashmir, Andaman and Nicobar Island, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.*

**N.B.:** A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

### PART III A

*(To be filled by the candidate)*

Whether the Candidate –

(i) has been convicted –

(a) of any offence(s) under sub-section (1); or

(b) for contravention of any law specified in Sub-Section (2), of Section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

**YES/NO**

If the answer is "Yes" , the candidate shall furnish the following information:

(i) Case/First information report No./Nos.....

- (ii) Police station (s) .....District(s) .....State(s) .....
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted .....
- (iv) Date(s) of conviction(s).....
- (v) Court(s) which convicted the candidate .....
- (vi) Punishment(s) imposed [Indicate period of imprisonment(s) and/or quantum of fine(s)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)...Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed .....
- (x) Name of the court(s) before which the appeal(s) /application (s) for revision filed.....
- (xi) Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending .....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of -
- (a) Date(s) of disposal .....
- (b) Nature of order(s) passed .....

Place .....

Date .....

Signature of the Candidate

## PART IV

*(To be filled by the Returning Officer)*

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....(hour)  
on.....(date) by the \*candidate/proposer.

Date .....

Returning Officer

*\*Score out the words not applicable.*

## PART V

*Decision of Returning Officer Accepting or Rejecting the Nomination Paper*

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows:-

Date .....

Returning Officer

(Perforation).....

## **PART VI**

### *Receipt for Nomination Paper and Notice of Scrutiny*

*(To be handed over to the person presenting the Nomination Paper)*

Serial No. of nomination paper.....

The nomination paper of..... a candidate  
for election from the .....Parliamentary constituency was delivered  
to me at my office at ..... (hour) on.....(date)  
by\* the candidate/proposer.

All nomination papers will be taken up for scrutiny at ..... (hour)  
on.....(date) at.....Place.

Date .....

Returning Officer

---

\* Score out the word not applicable.

**ANNEXURE XIII-B  
(CHAPTER V, PARA 9.2)**

**1 FORM-2B  
(SEE RULE 4)**

**NOMINATION PAPER**

Election to the Legislative Assembly of ..... State.

*STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE*

**PART I**

*(To be used by candidate set up by recognised political party)*

I nominate as a candidate for Election to the Legislative Assembly from the .....  
..... Assembly Constituency. Candidate's name.....  
..... [Father's/mother's/husband's name] ..... His postal  
address..... His name is entered at  
S. No ..... in Part No..... of the electoral roll for .....  
Assembly constituency. My name is ..... and it is entered at S.  
No..... in Part No..... of the electoral roll for the..... Assembly  
constituency.

Date .....

Signature of the Proposer

---

**PART II**

*(To be used by candidate NOT set up by recognised political party)*

We hereby nominate as candidate for election to the Legislative Assembly from the .....  
..... Assembly Constituency.

Candidate's name ..... Father's  
/ mother's / husband's name ..... His postal  
address.....

His name is entered at Sl. No .....in Part No .....of the electoral roll  
for..... Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral  
roll for this Assembly Constituency as indicated below and we append our signatures below in token of  
subscribing to this nomination:-

---

*1 Substituted by Notification No. SO 558(E), dt. 9.8.1996.*

**PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES**

Sl. No.	Electoral Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll Constituency	Sl.No. in that Part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

**N.B.:** There should be ten electors of constituency as proposers.

**PART III**

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare—

(a) that I have completed.....years of age;

*[STRIKE OUT b(i) OR b(ii) BELOW WHICHEVER IS NOT APPLICABLE]*

(b) (i) that I am set up at this election by the.....party, which is recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

(ii) that I am set up at this election by the.....party, which is a registered-unrecognised political party/that I am contesting this election as an independent candidate (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:-

(i)..... (ii)..... (iii).....

(c) that my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language)

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

\*I further declare that I am a member of the.....\*\*Caste/tribe which is a scheduled \*\*\*caste/tribe of the State of.....in relation to .....(area) in that State.

I also declare that I have not been, and shall not be, \*\*\*\*nominated as a candidate at the present general election /the bye-elections being held simultaneously, to the Legislative Assembly of ..... (State) from more than two Assembly Constituencies.

Date .....

Signature of the Candidate

---

*\*Score out this paragraph, if not applicable.*

*\*\*Score out the Words not applicable.*

**N.B.:** A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

---

### **PART III A**

*(To be filled by the candidate)*

Whether the Candidate –

(i) has been convicted –

- (a) of any offence(s) under sub-section (1); or
- (b) for contravention of any law specified in Sub-Section (2), of Section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

**YES/NO**

If the answer is "Yes", the candidate shall furnish the following information:

(i) Case/First information report No./Nos.....

(ii) Police station (s) .....District(s) .....State(s) .....

(iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted .....

(iv) Date(s) of conviction(s).....

(v) Court(s) which convicted the candidate .....

- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]  
.....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)...Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed .....
- (x) Name of the court(s) before which the appeal(s) /application (s) for revision filed  
.....
- (xi) Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending  
.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of -  
Date(s) of disposal .....  
Nature of order(s) passed .....

Place .....

Date .....

Signature of the Candidate

#### **PART IV**

*(To be filled by the Returning Officer)*

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....(hour) on.....(date) by the \*candidate/proposer.

Date .....

Returning Officer

---

\*Score out the word not applicable.

#### **PART V**

*Decision of Returning Officer Accepting or Rejecting the Nomination Paper*

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows:

Date .....

Returning Officer

*(Perforation)*.....



## PART VI

### RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY

*(To be handed over to the person presenting the Nomination Paper)*

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the  
.....Assembly constancy was delivered to me at my office at.....(hour)  
on..... (date) by the \*candidate/proposer.

All nomination papers will be taken up for scrutiny at..... (hour)  
on .....(date) at.....(Place.)

---

*\*Score out the word not applicable.*

**ANNEXURE XIII C**  
**(CHAPTER V, PARA 9.3)**

**FORM 26**

**(SEE RULE 4A)**

Affidavit to be furnished by the candidate before the returning officer for election to .....  
..... (name of the House) from .....  
..... Constituency (name of the constituency)

I, ....., son/daughter/wife of ..... aged about  
..... years, resident of .....  
candidate at the above election, do hereby solemnly affirm/state on oath as under:-

1. I am/am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case(s) in which a charge(s) has/have been framed by the court(s) of competent jurisdiction.

If the deponent is accused of any such offence(s) he shall furnish the following information:

- (i) Case/First information report No./Nos.....
  - (ii) Police station(s) ..... District(s) .....  
State(s) .....
  - (iii) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged.....
  - (iv) Court(s) which framed the charge(s) .....
  - (v) Date(s) on which the charge(s) .....
  - (vi) Whether all or any of the proceeding(s) have been stayed by any court(s) of competent jurisdiction  
.....
2. I have been/have not been convicted of an offence(s) [other than any offence(s) referred to in sub-section(1) or sub-section(2), or covered in sub-section(3), of section 8 of the Representation of the People Act, 1951 (43 of 1951)] and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information:

- (i) Case/First information report No./Nos.....
- (ii) Court(s) which punished .....
- (iii) Police station(s) ..... District(s) .....  
State(s) .....
- (iv) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged.....

- (vi) Date(s) on which the sentence(s) was/were pronounced .....
- (vii) Whether the sentence(s) has/have been stayed by any court(s) of competent jurisdiction .....

Place .....

Date .....

Signature of Deponent

---

### VERIFICATION

I, the above-named deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therein.

Verified at ..... this ..... day of ....., 20.....

Signature of deponent

**Note:** "The columns in this Form which are not applicable to the deponent may be struck off."

**ANEXURE XIV  
(CHAPTER V, PARA 9.3)**

**ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001**

---

No. 3/ER/2003/JS-II

Dated : 27<sup>th</sup> March, 2003

**ORDER**

1. Whereas, the superintendence, direction and control, inter alia, of all elections to Parliament and to the Legislature of every State are vested in the Election Commission by Article 324 (1) of the Constitution of India;
2. And whereas, the Hon'ble Supreme Court of India had, by its order dated 2<sup>nd</sup> May, 2002, in Civil Appeal No.7178 of 2001 – Union of India Vs Association for Democratic Reforms and another, held as follows:-
  - (1) The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word 'elections' is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps.
  - (2) The limitation on plenary character of power is when the Parliament or state legislature has made a valid law relating to or in connection with elections, the Commission is required to act in conformity with the said provisions. In case where law is silent, art 324 is a reservoir of power to act for the avowed purpose of having free and fair election. Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions Commission can fill the vacuum till there is legislation on the subject. In Kanhiya Lal Omar's case (AIR 1986 SC 111), the court construed the expressions 'superintendence, direction and control' in art 324(1) and held that a direction may mean an order issued to a particular individual or a precept which may have to follow and it may be a specific or a general order and such phrase should be construed liberally empowering the Election Commission to issue such orders.
  - (3) The word 'elections' includes the entire process of election which consists of several stages and it embraces many steps, some of which have an important bearing on the process of choosing a candidate. Fair election contemplates disclosure by the candidate of his past including the assets held by him so as to give a proper choice to the candidate (sic) (elector) according to his thinking and opinion. As stated earlier, in Common Cause case [(1996) 2 SCC 752], the court dealt with a contention that elections in the country are fought with the help of money power which is gathered from black sources and once elected to power, it becomes easy to collect tons of black money, which is used for

retaining power and for re-election. If on affidavit a candidate is required to disclose the assets held by him at the time of election, voter can decide whether he could be re-elected even in case where he has collected tons of money.

XXX XXX

- (4) To maintain the purity of elections and in particular to bring transparency in the process of election, the Commission can ask the candidates about the expenditure incurred by the political parties and this transparency in the process of election would include transparency of a candidate who seeks election or re-election. In a democracy, the electoral process has a strategic role. The little man of this country would have basic elementary right to know full particulars of a candidate who is to represent him in Parliament where laws to bind his liberty and property may be enacted.
- (5) The right to get information in democracy is recognised all throughout and it is natural right flowing from the concept of democracy. At this stage, we would refer to art 19(1) and (2) of the International Covenant of Civil and Political Rights which is as under:-
  - (1) Everyone shall have the right to hold opinions without interference.
  - (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- (6) Cumulative reading of plethora of decisions of this court as referred to, it is clear that if the field meant for legislature and executive is left unoccupied detrimental to the public interest, this court would have ample jurisdiction under art 32 read with arts 141 and 142 of the Constitution to issue necessary directions to the executive to subserve public interest.
- (7) Under our Constitution, Art 19(1)(a) provides for freedom of speech and expression. Voters' speech or expression in case of election would include casting of votes that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is must. Voter's (little man-citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. The little man may think over before making his choice of electing law breakers as law makers.”;

3. And whereas, the Hon'ble Supreme Court, by its aforesaid order dated 2<sup>nd</sup> May, 2002, had directed as follows:-

“The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under art 324 of the Constitution of India from each candidate seeking election to Parliament or a state legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature:-

- (1) Whether the candidate is convicted/acquitted/ discharged of any criminal offence in the past-if any, whether he is punished with imprisonment or fine?

- (2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.
  - (3) The assets (immovable, movable, bank balances etc) of a candidate and of his/her spouse and that of dependants.
  - (4) Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues.
  - (5) The educational qualifications of the candidate.”
4. And whereas, the Hon’ble Supreme Court, in its aforesaid order dated 2<sup>nd</sup> May, 2002, further observed that ‘the Election Commission has from time to time issued instructions in order to meet with the situation where the field is unoccupied by the legislation’ and had further directed that ‘the norms and modalities to carry out and give effect to the aforesaid directions should be drawn up properly by the Election Commission as early as possible and in any case within two months’;
  5. And whereas, the Election Commission had, in pursuance of the above referred Judgement and Order dated 2<sup>nd</sup> May, 2002 of the Hon’ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, directed by an Order dated 28<sup>th</sup> June, 2002, inter alia, in para 14 of the said Order as follows:-
    - “(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to all the five matters, specified by the Hon’ble Supreme Court and quoted in para 5 above (reproduced in para 3 herein), in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.
    - (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
    - (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon’ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.
    - (4) Furnishing of any wrong or incomplete information or suppression of any material information by any candidate in or from the said affidavit may also result in the rejection of his nomination paper where such wrong or incomplete information or suppression of material information is considered by the returning officer to be a defect of substantial character, apart from inviting penal consequences under the Indian Penal Code for furnishing wrong information to a public servant or suppression of material facts before him:

Provided that only such information shall be considered to be wrong or incomplete or

amounting to suppression of material information as is capable of easy verification by the returning officer by reference to documentary proof adduced before him in the summary inquiry conducted by him at the time of scrutiny of nominations under section 36 (2) of the Representation of the People Act 1951, and only the information so verified shall be taken into account by him for further consideration of the question whether the same is a defect of substantial character.

- (5) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (6) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.”;

- 6. And whereas, the President of India promulgated the Representation of People (Amendment) Ordinance, 2002 (No.4 of 2002) on the 24<sup>th</sup> August, 2002 further to amend the Representation of the People Act, 1951 inserting Sections 33A and 33B and 125A and amending Section 169 of the Representation of the People Act, 1951;
- 7. And whereas, by virtue of Section 33B of the said Ordinance, the Order of the Election Commission dated the 28<sup>th</sup> June, 2002, was rendered ineffective and the said Section 33B read as under:-  
“Section 33B.- Notwithstanding anything contained in any judgement, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder.”;
- 8. And whereas, the Government of India by notification dated 3<sup>rd</sup> September, 2002 amended the Conduct of the Elections Rules, 1961 to give effect to the said Ordinance;
- 9. And whereas, the Association for Democratic Reforms, People’s Union for Civil Liberties, and Lok Satta, filed three separate writ petitions before the Hon’ble Supreme Court of India challenging the constitutional validity of the Presidential Ordinance dated 24<sup>th</sup> August, 2002;
- 10. And whereas, the by Notification dated the 28<sup>th</sup> December, 2002, the Representation of the People Act, 1951 was amended by the Representation of the People (Third Amendment) Act, 2002 which substituted the aforesaid Ordinance dated 24<sup>th</sup> August, 2002;
- 11. And whereas, the said petitioners filed applications to treat the said writ petitions as challenging the constitutional validity of the Representation of the People (Third Amendment) Act, 2002;
- 12. And whereas, the Hon’ble Supreme Court in its order/judgement, dated the 13<sup>th</sup> March, 2003 declared Section 33B of the Amended Act as illegal, null and void;
- 13. And whereas, the following directions were issued in the Judgement of Hon’ble Mr. Justice P.V. Reddi, which was concurred by Mr. Justice D.M. Dharmadhikari:-

“xxxxxxxxxxx

6. The right to information provided for by the Parliament under Section 33A in regard to the pending criminal cases and past involvement in such cases is reasonably adequate to safeguard the right to information vested in the voter/citizen. However, there is no good reason for excluding the pending cases in which cognizance has been taken by Court from the ambit of disclosure.

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9. The Election Commission has to issue revised instructions to ensure implementation of Section 33A subject to what is laid down in this judgement regarding the cases in which cognizance has been taken. The Election Commission's orders related to disclosure of assets and liabilities will still hold good and continue to be operative. However, direction No.4 of para 14 insofar as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information should not be enforced.”;
14. And whereas, the Judgement of Hon'ble Mr. Justice M.B. Shah, also held that Section 33B was illegal, null and void and further that the Election Commission would be required to revise its instructions in the light of the directions therein as under:-

“It is true that the aforesaid directions issued by the Election Commission is not under challenge but at the same time Prima facie it appears that the Election Commission is required to revise its instructions in the light of directions issued in Association for Democratic Reforms case (supra) and as provided under the Representation of the People Act and its 3<sup>rd</sup> Amendment.”;

15. And whereas, by virtue of the Judgement dated the 13<sup>th</sup> March, 2003 of the Supreme Court declaring Section 33B of the Representation of the People Act, 1951 to be illegal, null and void, the earlier instructions of the Election Commission dated 28<sup>th</sup> June, 2002 would continue to be operative subject to the aforementioned directions of the Supreme Court, and are therefore required to be revised and reissued;
16. Now, therefore, the Election Commission, in pursuance of the above referred order dated 13<sup>th</sup> March, 2003, of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, of superintendence, direction and control, inter alia, of conduct of elections to Parliament and State Legislatures, hereby issues, in supersession of its earlier order dated 28<sup>th</sup> June, 2002, its revised directions as follows:-

- (1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.
- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
- (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned



shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.

- (4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
  - (5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.
17. For the removal of doubt, it is hereby clarified that the earlier direction contained in para 14 (4) of the earlier order dated 28<sup>th</sup> June, 2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13<sup>th</sup> March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in **Annexure-1** hereto referred to in para 16 (1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Elections Rules, 1961, as amended by the Conduct of Elections (Amendment) Rules, 2002.
  18. In so far as elections to the Legislative Assembly and Legislative Council of the State of Jammu and Kashmir are concerned, the directions of the Election Commission contained in the preceding para 16 shall be deemed to have been issued under the provisions of section 138 of the Constitution of Jammu and Kashmir which are akin to Article 324 (1) of the Constitution of India and vest the superintendence, direction and control of the conduct of all elections to either House of the Legislature of that State in the Election Commission.
  19. All Returning Officers shall ensure that the copies of affidavit prescribed herein by the Commission shall be delivered to the candidates along with the forms of nomination papers as part of the nomination paper.

By order,

**(A.K.MAJUMDAR)**  
**SECRETARY**  
**ELECTION COMMISSION OF INDIA**

**ANNEXURE-1**

**AFFIDAVIT TO BE FURNISHED BY CANDIDATE ALONGWITH  
NOMINATION PAPER**

**Before the Returning Officer**

**for election to ..... (name of the House)**

**from ..... constituency**

**( name of the constituency )**

I, ....., son/daughter/wife of .....  
aged ..... years, resident of .....,  
candidate at the above election, do hereby solemnly affirm and state on oath as under:-

*(Strike out whichever not applicable)*

- (1) The following case(s) is/are pending against me in which cognizance has been taken by the court:-
- (i) Section of the Act and description of the offence for which cognizance taken :
  - (ii) The Court which has taken cognizance :
  - (iii) Case No. :
  - (iv) Date of order of the Court taking cognizance :
  - (v) Details of appeal(s) / application(s) for revision, etc., if any, filed against above order

taking cognizance :

- (2) That I give hereinbelow the details of the assets (immovable, movable, bank balance, etc.) of myself, my spouse and dependents\*:

**A. DETAILS OF MOVABLE ASSETS**

(Assets in joint name indicating the extent of joint ownership will also have to be given)

S. No.	Description	Self	Spouse(s) Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 etc. Name
(i)	Cash					
(ii)	Deposits in Banks, Financial Institutions and Non-Banking Financial Companies					
(iii)	Bonds, Debentures and Shares in companies					
(iv)	Other financial instruments, NSS, Postal Savings, LIC Policies, etc.					
(v)	Motor Vehicles (details of make, etc.)					
(vi)	Jewellery (give details of weight and value)					
(vii)	Other assets, such as values of claims / interests					

**Note :** Value of Bonds / Shares / Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non listed companies should be given.

*\*Dependent here means a person substantially dependents on the income of the candidate.*

**B. DETAILS OF IMMOVABLE ASSETS**

[Note : Properties in joint ownership indicating the extent of joint ownership will also have to be indicated]

S. No.	Description	Self	Spouse(s) Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 etc. Name
(i)	<b>Agricultural Land</b> <ul style="list-style-type: none"> <li>- Location(s)</li> <li>- Survey number(s)</li> <li>- Extent (Total measurement)</li> <li>- Current market value</li> </ul>					
(ii)	<b>Non-Agricultural Land</b> <ul style="list-style-type: none"> <li>- Location(s)</li> <li>- Survey number(s)</li> <li>- Extent (Total measurement)</li> <li>- Current market value</li> </ul>					
(iii)	<b>Buildings (commercial and residential)</b> <ul style="list-style-type: none"> <li>- Location(s)</li> <li>- Survey / door number(s)</li> <li>- Extent (Total measurement)</li> <li>- Current market value</li> </ul>					
(iv)	<b>Houses / Apartments, etc.</b> <ul style="list-style-type: none"> <li>- Location(s)</li> <li>- Survey / door number(s)</li> <li>- Extent (Total measurement)</li> <li>- Current market value</li> </ul>					
(v)	<b>Others</b> (such as interest in property)					

(3) I give hereinbelow the details of my liabilities / overdues to public financial institutions and government dues :-

**[Note :** Please give separate details for each item]

S.No.	Description	Name & address of Bank / Financial Institution(s) / Department(s)	Amount outstanding as on .....
(a)	(i) Loans from Banks		
	(ii) Loans from financial institutions		
	(iii) Government dues		
	a) Dues to departments dealing with government accommodation		
	b) Dues to departments dealing with supply of water		
	c) Dues to departments dealing with supply of electricity		
	d) Dues to departments dealing with telephones		
	e) Dues to departments dealing with government transport (including aircrafts and helicopters)		
	f) Other dues, if any		

S.No.	Description	Name & address of Bank / Financial Institution(s) / Department(s)	Amount outstanding as on .....
(b)	(i) Income Tax including surcharge [Also indicate the assessment year upto which Income Tax Return filed. Give also Permanent Account Number (PAN)]		
	(ii) Wealth Tax [Also indicate the assessment year upto which Wealth Tax return filed.]		
	(iii) Sales Tax [Only in case of proprietary business]		
	(iv) Property Tax		

(4) My educational qualifications are as under :-

*(GIVE DETAILS OF SCHOOL AND UNIVERSITY EDUCATION)*

(Name of School / University and the year in which the course was completed should also be given.)

DEPONENT

### VERIFICATION

I, the deponent abovenamed, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief; no part of it is false and nothing material has been concealed therefrom.

Verified at ..... this the ..... day of ....., 200.....

DEPONENT

## ANNEXURE XIV-A

Memo No. ....

Dated.....

From: Returning Officer for .....

To .....  
(Name of the candidate)

Sub: Election to ..... from constituency ..... — filing of the required affidavit.

You have filed your nomination paper for the above election today, but you have not filed, along with your nomination paper, the affidavit prescribed by the Election Commission vide its Order No.3/ER/2003/JS-II, dated 27<sup>th</sup> March, 2003 and/or the affidavit in Form 26, A copy each of the said Form 26, Order and the format of the requisite affidavit is enclosed for your ready reference.

You are required hereby to furnish the requisite information in the prescribed affidavit, duly sworn before a Magistrate of the First Class or a Notary Public or an Oath Commissioner appointed by the High Court.

It should be noted that the requisite affidavit must be furnished by you immediately and positively before 3.00 p.m. on the last date of filing of nominations ie.....

You may also note the consequences of not filing the requisite affidavit prescribed vide the above referred Order dated 27-3-2003 as explained in para 16(3) of the said Order of the Commission.

(Returning Officer)

## ANNEXURE XIV-B

### FORMAT IN WHICH THE RETURNING OFFICER MAY PUBLISH THE INFORMATION RELATING TO GOVERNMENT DUES

(To be published in two newspapers having local circulation)

General / Bye-election to ..... from ..... constituency

#### Public Notice

Information as furnished by the contesting candidates in their affidavits in respect of Government dues is hereby published for information of all electors:-

S. No.	Name of candidate	Party affiliation, if any	Government dues to departments dealing with					Other C Government dues, if any
			Government accommodation	Supply of water	Supply of elements	Telephone	Government transport (including aircrafts and helicopters)	
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.								
2.								
3.								
4.								
5.								
etc.								

(Returning Officer for .....constituency)

**ANNEXURE XV**  
**(CHAPTER V, PARA 21.2)**

**FORM OF OATH OR AFFIRMATION**  
**[ARTICLE 84(A) OF THE CONSTITUTION OF INDIA]**

*(To be made by a candidate for election to Parliament)*

I ..... having been nominated as a candidate to fill a seat in the Council of States (\*House of the People) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters  
of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati ..... at ..... (Place) at ..... (hour) this the ..... day of ..... 200 ..... before me.

Signature of authorised person  
Name Designation and Seal

---

**(CERTIFICATE FOR RECEIPT OF OATH)**

*(To be handed over to the candidate by the authorised person)*

Certified that ..... (name) a candidate for election to the Council of States (\*or the House of the People) has made and subscribed the oath / affirmation as required by the Constitution of India before me at my office at ..... (hour) on ..... (date).

Signature of authorised person

Date .....

Name, Designation and Seal

---

*\*Score out which is not applicable.*

**N.B.:** This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.



# FORM OF OATH OR AFFIRMATION

## [ARTICLE 173 (A) OF THE CONSTITUTION OF INDIA]

*(To be made by a candidate for election to the Legislature of a State)*

I ..... having been nominated as a candidate to fill a seat in the ..... Legislative Assembly (\*or Legislative Council) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters  
of the Candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati .....  
at ..... (Place) at ..... (hour) this the  
..... day of ..... 200 ..... before me.

Signature of authorised person  
Name Designation and Seal

### (CERTIFICATE FOR RECEIPT OF OATH)

*(To be handed over to the candidate by the authorised person)*

Certified that ..... (name) a candidate for election to the .....  
Legislative Assembly (\*or Legislative Council) has made and subscribed the oath / affirmation as required  
by the Constitution of India before me at my office at ..... (hour) on ..... (date).

Date .....

Signature of authorised person  
Name, Designation and Seal

*\*Score out which is not applicable.*

**N.B.:** This Form should be supplied to the candidates both in English and in the Official Language of the State.

**FORM OF OATH OR AFFIRMATION**  
**[SECTION 4 (A) OF THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF  
DELHI ACT, 1991 (NO.1 OF 1992)]**

*(To be made by a candidate for election to the Legislative Assembly of the  
National Capital Territory of Delhi)*

I ..... having been nominated as a candidate to fill a seat in the Legislative Assembly do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters  
of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati .....  
at ..... (Place) at ..... (hour) this  
the ..... day of ..... 200 ..... before  
me.

Signature of authorised person  
Name Designation and Seal

---

**(CERTIFICATE FOR RECEIPT OF OATH)**

*(To be handed over to the candidate by the authorised person)*

Certified that ..... (name) a candidate for election to the Legislative Assembly of the National Capital Territory of Delhi has made and subscribed the oath / affirmation as required by the Government of National Capital Territory of Delhi Act, 1991 before me at my office at ..... (hour) on ..... (date).

Date .....

Signature of authorised person  
Name, Designation and Seal

**N.B.:** This Form should be supplied to the candidates both in English and in the Official Language of the National Capital Territory of Delhi.

**FORM OF OATH OR AFFIRMATION**  
**[SECTION 4 (A) OF THE GOVERNMENT OF**  
**UNION TERRITORIES ACT, 1963 (NO.20 OF 1963)]**

*(To be made by a candidate for election to the Legislative Assembly of the  
Union Territory of Pondicherry)*

I ..... having been nominated as a candidate to fill a seat in the Legislative Assembly of Pondicherry do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters  
of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati  
..... at  
..... (Place) at ..... (hour)  
this the ..... day of ..... 200 ..... before me.

Signature of authorised person  
Name Designation and Seal

---

**(CERTIFICATE FOR RECEIPT OF OATH)**

*(To be handed over to the candidate by the authorised person)*

Certified that ..... (name) a candidate for election to the Legislative Assembly of Pondicherry has made and subscribed the oath / affirmation as required by the Government of Union Territories Act, 1963 before me at my office at ..... (hour) on ..... (date).

Date .....

Signature of authorised person  
Name, Designation and Seal

**N.B.:** This Form should be supplied to the candidates both in English and in the Official Language of the Union Territory.

**ANNEXURE XVI  
(CHAPTER V, PARA 21.3)**

**ELECTION COMMISSION OF INDIA  
NEW DELHI**

Dated the 18th March, 1968

**NOTIFICATION**

No 3/6/68 /(1) – In pursuance of clause (a) Article 84 and clause (a) of article 173 of the Constitution of India and in supersession of its notification No.3/3/66, dated the 25th April 1967, the Election Commission hereby authorises (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him (ii) All stipendiary presidency Magistrates of all first class, and all (iii) District judges and all persons belonging to the judicial service of a State other than District judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Council of States or in the House of the People or in the Legislative Assembly of a State (other than Jammu and Kashmir ) or in the Legislative Council of a State (other than Jammu and Kashmir) having a Legislative Council shall make and subscribe the oath or affirmation in form set out for the purpose in the Third Schedule to the said Constitution.

2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said Article 84 and clause (a) of the said Article 173, the Election Commission hereby also authorises as the person before whom the candidate may make and subscribe the said or affirmation,
  - (a) Where the candidate is confined in a prison, the superintendent of the prison.
  - (b) Where the candidate is under preventive detention the commandant of the detention camp.
  - (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical superintendent in charge of the hospital or the medical practitioner attending on him.
  - (d) Where the candidate is out of India the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative.
  - (e) Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or any Assistant Returning Officer as aforesaid any other person nominated by the Election Commission on application made to it in this behalf.

*Explanation:-* In this notification

- (1) The expression "The Returning Officer concerned" means -
  - (a) where a person has been nominated as a candidate for election to fill a seat in the House of the People from a Parliamentary Constituency or a seat in the Legislative Assembly of a State from an Assembly Constituency or a seat in the Legislative Assembly of State

- from a Assembly Constituency, or a seat in the Legislative Council of a State from a Council Constituency, the Returning Officer for that constituency;
- (b) where a person has been nominated as a candidate for election to fill a seat in the Council of States by the elected members of the Legislative Assembly of a State the Returning Officer for that election .
  - (c) where a person has nominated as a candidate for election to fill a seat in the Legislative Council of a State by the members of the Legislative Assembly of State the Returning Officer for that election .
  - (1-A) the expression “district judge” and “judicial service” shall have the meanings respectively assigned to them in Article 236 of the Constitution of India .
  - (2) the expressions “Parliamentary Constituency” “Assembly Constituency” “and Council Constituency” shall have the meanings respectively assigned to them in the Representation of the People Act, 1950(43 of 1950).

**By Order**  
**Secretary to the**  
**Election Commission of India**

# ELECTION COMMISSION OF INDIA

## TALKATORA ROAD, NEW DELHI

Dated the 18th March, 1968

### NOTIFICATION

No.3/6/68(2).-In pursuance of clause (a) of section 4 of the Government of Union Territories Act, 1963 (20 of 1963) and in supersession of its notification No.3/3/66, dated the 2nd May 1967, the Election Commission hereby authorises (i) the Returning officer concerned and all the Assistant Returning Officers subordinate to him, (ii) all stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class, and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Legislative Assembly of a Union Territory shall make and subscribe the oath or affirmation in the form set for the purpose in the First Schedule to said act.

2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said section 4 the Election commission hereby also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation.

- (a) Where the candidate is confined in a prison, the Superintendent of the prison.
- (b) Where the candidate is under preventive detention, the commandant of the detention camp.
- (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical superintendent in charge of the hospital or the medical practitioner attending on him.
- (d) Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative.
- (e) Where the candidate is for any reason unable to appear or prevented from appearing before the Returning Officer concerned or any other Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

*Explanation* - In this notification -

- (1) the expression "the Returning Officer concerned" means and Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in Legislative Assembly.
- (1-A) the expressions "district judge" and "judicial service" shall have the meanings respectively assigned to them in, Article 236 of the Constitution of India and
- (2) the expression "Assembly Constituency" shall have the meaning assigned to it in clause (c) of sub section (1) of section 2 of the Government of Union Territory Act 1963, (20 of 1963)

**By Order**  
**Secretary to the**  
**Election Commission of the India**

# **ELECTION COMMISSION INDIA**

## **NEW DELHI**

Dated the 18th March, 1968

### **NOTIFICATION**

No .3/6/68 (3) – In pursuance of clause (a) section 4\* of the Govt. of National \*Capital Territory of Delhi Act 1991 (1 of 1992 ) and in supersession of its notification No. 3/3/66(1), dated 2nd May, 1967 the Election Commission hereby authorizes (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him, (ii) All stipendiary Presidency Magistrates and all stipendiary Magistrates of the First class and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the \* Legislative Assembly of the National Capital Territory of Delhi shall make and subscribe an oath or affirmation in the form set out for the purpose in the Schedule to the said Act.

2. Notwithstanding anything contained in paragraph 1. in pursuance of clause (a) of the said section 4. the Election Commission here by also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation-
  - (a) Where the candidate is confined in a prison, the Superintendent of the prison,
  - (b) Where the candidate is under preventive detention, the Commandant of the detention camp,
  - (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical Superintendent in charge of the hospital or the medical Practitioner attending on him,
  - (d) Where the candidate is out of India the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative,
  - (e) Where the candidate is for any other reason unable to appear or prevented from appearing, before the Returning Officer concerned or any Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

*Explanation – In this notification–*

- (1) The expression “the Returning Officer concerned” means the Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in the \*Legislative Assembly of National Capital Territory of Delhi.
- (1-A) the expression “district judge” and “judicial service” shall have the meaning respectively assigned to them in Article 236 of the Constitution of India; and
- (2) The expression “Assembly Constituency” shall have the meaning assigned to it in clause (b) of section 2 of the Govt. of National Capital Territory of Delhi Act., 1991.

**By Order**  
**Secretary to the**  
**Election Commission of India**

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*\*Substituted by Election Commission's Notification No. 3/6/93- J.S.II, dt. 21-10-1993.*

# **ELECTION COMMISSION INDIA**

## **NEW DELHI**

Dated the 18th March, 1968

No. 3/4/J&K/68 – In pursuance of clause (a) section 51 of the Constitution of Jammu and Kashmir and in supersession of its notification No. 3/4/J&K/65, dated the 14th May, 1965, the Election Commission hereby authorises-

- (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him.
  - (ii) All stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class, and
  - (iii) all District Judges and all person belonging to the judicial service of the State of Jammu and Kashmir other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Legislative Assembly or in the Legislative Council of the State of Jammu and Kashmir, shall make and subscribe the oath or affirmation in the form set up for the purpose in the Fifth schedule to the said constitution.
2. Notwithstanding anything contained in paragraph 1, in pursuance of clause (a) of the said section 51, the Election Commission hereby also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation-
- (a) Where the candidate is confined in a prison, the Superintendent of the prison,
  - (b) Where the candidate is under preventive detention, the Commandant of the detention camp,
  - (c) Where the candidate is confined to bed in a hospital or elsewhere owing or illness or any other cause, the medical Superintendent in charge of the hospital or the medical practitioner attending on him,
  - (d) Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative,
  - (e) Where the candidate is for any other reason unable to appear or prevented from appearing, before the Returning Officer concerned or any Assistant Returning Officers as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

*Explanation* – In this notification–

- (1) The expression “the Returning Officer concerned means–
  - (a) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly Constituency or in the Legislative Council from a Council Constituency, the Returning Officer of that constituency,



- (b) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly, the Returning Officer for that election,
- (1-A) the expression "district judge" and "judicial service" shall have the meanings respectively assigned to them in Section 112 of the Constitution of Jammu and Kashmir.
- (2) The expression "Assembly Constituency" and "Council Constituency" shall have the meanings respectively assigned to them in the Jammu and Kashmir Representative of the People Act, 1957.

**By Order**  
**Secretary to the**  
**Election Commission of India**

**ANNEXURE XVII**  
**PART A**  
**(CHAPTER V, PARA 31.2 AND CHAPTER VII, PARA 5.4)**  
**ELECTION COMMISSION OF INDIA**  
**ASHOKA ROAD, NEW DELHI-110 001**

Dated 17 July, 1987

**DIRECTION**

S.O. 2/87 - In pursuance of sub-rules (1) and (3) of rule 10 to the Conduct of Elections Rules, 1961 and in supersession of its direction in S.O. No. 5/75 dated 30 December, 1975, the Election Commission hereby directs that at an election in a Parliamentary Constituency specified in column 2 of the Table below the list of contesting candidates shall be prepared in Form 7A in the language or languages specified against that constituency in column 3 of the said Table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in the said column.

When any such list is forwarded to the Election Commission it shall, if not in English, be accompanied by a translation in English.

**TABLE**

State/Union Territory	Parliamentary Constituency	Language or Languages
1	2	3
1. Andhra Pradesh	(a) 30-Hyderabad 31-Secunderabad, 32 Siddiper (SC) and 41-Nalgonda Parliamentary Constituencies	Telugu, Urdu and English
	(b) 34-Nizambabad and 35-Adilabad Parliamentary Constituencies	Telugu and Marathi
	(c) All other Assembly Constituencies	Telugu
2. Arunachal Pradesh	All Parliamentary Constituencies	English
3. Assam	(a) 1-Karimganj (SC) and 2 Silchar Parliamentary Constituencies	Bengali
	(b) 3-Autonomous District (ST) Parliamentary Constituency	Assamese and English

	(c)	All other Parliamentary Constituencies	Assamese
4. Bihar		All Parliamentary Constituencies	Hindi
*4A. Chhattisgarh		All Parliamentary Constituencies	Hindi
5. Goa		All Parliamentary Constituencies	Konkani in Devanagari Script, Marathi and English
6. Gujarat		All Parliamentary Constituencies	Gujarati
7. Haryana		All Parliamentary Constituencies	Hindi
8. Himachal Pradesh		All Parliamentary Constituencies	Hindi
9. J & K	(a)	5-Udhampur and 6-Jammu Parliamentary Constituencies	Urdu and Hindi
	(b)	All other Parliamentary Constituencies	Urdu
*9A. Jharkhand		All Parliamentary Constituencies	Hindi
10. Karnataka	(a)	1-Bidar (SC) 22-Kanara 25-Belgaum and 26-Chikkodi (SC) Parliamentary Constituencies	Kannada and Marathi
	(b)	10-Kolar (SC) 12-Bangalore North and 13-Bangalore South Parliamentary Constituencies	Kannada and English
	(c)	All other Parliamentary Constituencies	Kannada
11. Kerala	(a)	1-Kassargod Parliamentary Constituency	Malayalam and Kannada
	(b)	14-Iduki Parliamentary Constituency	Malayalam and Tamil

	(c)	All other Parliamentary Constituencies	Malayalam
12. Madhya Pradesh	(a)	30-Bhopal and 34-Kandwa Parliamentary Constituencies	Hindi and Urdu
	(b)	All other Parliamentary Constituencies	Hindi
13. Maharashtra	(a)	4-Bombay South 5-Bombay South Central and 6-Bombay North Central Parliamentary Constituencies	Marathi, English and Urdu
	(b)	7-Bombay North East 8-Bombay North West and 9-Bombay North Parliamentary Constituencies	Marathi and English
	(c)	1-Dhanu (ST) 13-Malegaon (ST) 3-Nanded and 33-Aurangabad Parliamentary Constituencies	Marathi and Urdu
	(d)	37-Sholapur 46 Sangli 47-1 Chalkaranji and 48-Kolhapur Parliamentary Constituencies	Marathi and Kannada
	(e)	All other Parliamentary Constituencies	Marathi
14. Manipur	(a)	1-Inner Manipur Parliamentary Constituency	Manipuri
	(b)	11-Outer Manipur (ST) Parliamentary Constituency	Manipuri and English
15. Meghalaya		All Parliamentary Constituencies	English
16. Mizoram		Entire Parliamentary Constituency	English

17. Nagaland	Entire Parliamentary Constituency	English
18. Orissa	(a) 11-Berhampur and 12-Koraput (ST) Parliamentary Constituencies	Oriya and Telugu
	(b) All other Parliamentary Constituencies	Oriya
19. Punjab	(a) 1-Gurudaspur 2-Amritsar 4-Jullundur 6-Hoshiarpur 8-Patiala 9-Ludhiana 13-Ferozepur Parliamentary Constituencies	Punjabi and Hindi
	(b) All other Parliamentary Constituencies	Punjabi
20. Rajasthan	All Parliamentary Constituencies	Hindi
21. Sikkim	Entire Parliamentary Constituency	English
22. Tamil Nadu	(a) 1-Madras North 2-Madras Central and 3-Madras South Parliamentary Constituencies	Tamil and English
	(b) 4-Sriperumbudur (SC) & 6-Arakkanam Parliamentary Constituencies	Tamil and Telugu
	(c) 14-Krishnagiri Parliamentary Constituency	Tamil, Telugu and Kannada
	(d) 18-Nilgiris and 39 - Nagercoil Parliamentary Constituencies	Tamil and Malayalam
	(e) All other Parliamentary Constituencies	Tamil
23. Tripura	All Parliamentary Constituencies	Bengali

24. Uttar Pradesh	(a) 4-Nainital 5-Bijnor (SC) 6-Amroha 7-Moradabad 8-Rampur 9-Sambhal 10-Baduaun 11-Aonla 12-Bareilly 13-Pilibhit 14-Shahjahanpur 17-Sitapur 20-Lucknow 21-Mohan-lalganj (SC) 28- Faizabad 29-Bara Banki 30-Kaiserganj 31-Bahraich 32-Balrampur 33-Gonda 35-Domariaganj 36-Khalilabad 44-Ghosi 46-Lalganj (SC) 56-Allahabad 57-Chail (SC) 64-Bilhaur 65-Kanpur 76-Aligarh 78-Bulandshahar 79-Hapur 80-Meerut 81-Baghat 82-Muzaffarnagar 83-Kairana 84-Saharanpur and 85-Hardwar (SC) Parliamentary Constituencies	Hindi and Urdu
	(b) All other Parliamentary Constituencies	Hindi
**24A. Uttaranchal	All Parliamentary Constituencies	Hindi
25. West Bengal	(a) 4-Darjeeling Parliamentary Constituency	Bengali, Nepali and Hindi
	(b) 5-Raiganj Parliamentary Constituency	Bengali and Hindi
	(c) 21-Calcutta North West and 22-Calcutta North East	English
	(d) 18-Jadavpur 20-Dum Dum 23-Calcutta South 32-Midnapur Parliamentary Constituencies	Bengali and English
	(e) All other Parliamentary Constituencies	Bengali

26.	Andaman & Nicobar Islands	Entire Parliamentary Constituency	Hindi and English
27.	Chandigarh	Entire Parliamentary Constituency	Hindi and Punjabi
28.	Dadra & Nagar Haveli	Entire Parliamentary Constituency	Gujarati and Marathi
29.	Daman and Diu	Entire Parliamentary Constituency	Gujarati
30.	Delhi	All Parliamentary Constituencies	Hindi, Urdu and English
31.	Lakshadweep	Entire Parliamentary Constituency	Malayalam
32.	Pondicherry	Entire Parliamentary Constituency	Tamil, Telugu and Malayalam

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**By Order**  
**Secretary to the**  
**Election Commission of India**

\* *Vide Direction No. 4/2001/JS-II, dt. 30.1.2001.*

\*\* *Vide Direction No. 3/4/2002/JS-II, dt. 17.1.2002.*

**PART B**  
**(CHAPTER V, PARA 31.2 AND CHAPTER VII, PARA 5.4)**  
**ELECTION COMMISSION OF INDIA**  
**ASHOKA ROAD, NEW DELHI-110 001**

Dated 17 July, 1987

**DIRECTION**

S.O. 1/87 - In pursuance of sub-rules (1) and (3) of rule 10 of the Conduct of Elections Rules, 1961 and in supersession of its direction issued in S.O. No. 4/75 dated 30 December, 1975, the Election Commission hereby directs that at an election in an Assembly Constituency specified in column 2 of the Table below, the list of contesting Candidates shall be prepared in Form 7-A in the language or languages specified against that constituency in column 3 of the said Table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in the said column.

When any such list is forwarded to the Election Commission, it shall, if not in English, be accompanied by a translation in English.

**TABLE**

State/Union Territory	Parliamentary Constituency	Language or Languages
1	2	3
1. Andhra Pradesh	(a) 206-Musheerabad 207-Himayatnagar 208-Sanathnagar 209-Secunderabad 210-Khairatabad 211-Secunderabad Cantonment (SC) 212-Malakpet, 213-Asafnagar 214 - Maharajgung, 215-Karwan 216-Yakutpura, 217-Chandrayangutta and 218-Charminar Assembly Constituencies	Telugu, English and Urdu
	(b) 234-Jukkal (SC) 239-Mudhole and 241-Boath (ST) Assembly Constituencies	Telugu and Marathi



	(c)	All other Assembly Constituencies	Telugu
2. Arunachal Pradesh		All Assembly Constituencies	English
3. Assam	(a)	1-Ratabari (SC) 2. Patharkandi 3- Karimganj North 4- Karimganj South 5- Badarpur 6-Hailakandi 7- Katlichera 8-Algapur 9- Silchar 10-Sonai 11-Dholai (SC) 12-Udharbond 13- Lakhipur 14-Barkhola and 15-Katigora Assembly Constituencies	Bengali
	(b)	16-Haflong (ST) Assembly Constituency	English
	(c)	All other Assembly Constituencies	Assamese
4. Bihar		All Assembly Constituencies	Hindi
*4A. Chhattisgarh		All Assembly Constituencies	Hindi
5. Goa		All Assembly Constituencies	Konkani in Devnagri Script, Marathi and English
6. Gujarat		All Assembly Constituencies	Gujarati
7. Haryana		All Assembly Constituencies	Hindi
8. Himachal Pradesh		All Assembly Constituencies	Hindi
*8A. Jharkhand		All Assembly Constituencies	Hindi
9. Karnataka	(a)	1-Aura 2-Bhalki 3- Hulsoor (SC) 172, 173, 196, 197, 198, 199, 204, 205, 76-Halle-waram	Kananda and Marathi Kannada and English

	77-Rajajinagar 78-Gandhinagar 79-Chickpet 80-Binnypet 81-Chamarajapet 82-Basavangudi 83-Jayanagar 84-Shanthinagar (SC) 85-Shivajinagar 86-Bharathinagar and 87-Jayamahar Assembly Constituencies	
	(b) 71-Kolar Gold Fields (SC)	
	(c) All other Assembly Constituencies	Kannada
10. Kerala	(a) 1- Manjeswar and 2 - Kasargod Assembly Constituencies	Malayalam and Kannada
	(b) 83-Devicolum (SC) and 86-Peermade Assembly Constituencies	Malayalam and Tamil
	(c) All other Assembly Constituencies	Malayalam
11. Madhya Pradesh	(a) 239-Bhopal South 240-Bhopal North and 287-Burhanpur Assembly Constituencies	Hindi and Urdu
	(b) All other Assembly Constituencies	Hindi
12. Maharashtra	(a) All Assembly Constituencies comprised within Greater Bombay District excluding 20-Umarkhandi 26-Nagpada 34-Mahim and 48 Nehru Nagar Assembly Constituencies	Marathi and English
	(b) 20-Umarkhandi 26-Nagapada 34-Mahim and 48-Nehru Nagar Assembly Constituencies	Marathi, English and Urdu
	(c) 214-Akkalkot 215-South Solapur 276-Joth (SC)	Marathi and Kannada

	277-Shirol and 287 - Gandhlinglaj Assembly Constituencies	
	(d) 60-Bhiwandi 73 - Malegaon 170-Nanded, 193-Aurangabad West and 194-Aurangabad East Assembly Constituencies	Marathi and Urdu
	(e) All other Assembly Constituencies	Marathi
13. Manipur	(a) 41-Chandel (ST) 42 - Tengnoupal (ST) 43 - Phunyar (ST) 44-Ukhrul (ST) 45-Chingai (ST) 46- Saikul (ST) 47-Karong (ST) 48-Mao (ST) 49 - Tadubi (ST) 50-Kanpokpi 51-Saitu 52-Tamei (ST) 53-Temenglong (ST) 54- Nungba (ST) 55-Tipaimukh (ST) 56-Thanlon (ST) 57-Henglep (ST) 58-Chura- chandpur (ST) 59-Saikot (ST) and 60-Singhat (ST) Assembly Constituencies	English
	(b) All other Assembly Constituencies	Manipuri
14. Meghalaya	All Assembly Constituencies	English
15. Mizoram	All Assembly Constituencies	English
16. Nagaland	All Assembly Constituencies	English
17. Orissa	(a) 72-Ghatrapur 75- Behrampur and 79 - Parlakhemundi Assembly Constituencies in Ganjam District and 8-Gunupur (ST) and 82-Bayagada	Oriya and Telugu

	(ST) Assembly Constituencies in Koraput District	
	(b) All other Assembly Constituencies	Oriya
18. Punjab	(a) 2-Batala 7-Gurudaspur, 10 Pathankot 16-Amritsar North 17, Amritsar West 18- Amritsar Central 19- Amritsar South 29- Jullundur Cantonment 30- Jullundur North 31- Jullundur Central 32- Jullundur South (SC) 47- Hoshiarpur 52-Mukerian 57-Ludhiana North 58- Ludhiana West 59 - Ludhiana East 76-Patiala Town 92-Fazilka and 95- Ferozepur Assembly constituencies	Punjabi and Hindi
	(b) All other Assembly Constituencies	Punjabi
19. Rajasthan	All Assembly Constituencies	Hindi
20. Sikkim	All Assembly Constituencies	English
21. Tamil Nadu	(a) Assembly Constituencies Comprised within Madras City	Tamil and English
	(b) 30-Tiruttani and 31- Pallipet Assembly Constituencies	Tamil and Telugu
	(c) 74-Hosur and 75-Thalli Assembly Constituencies	Tamil, Telugu and Kannada
	(d) 128-Gudalur 232-Thiruvattar 233-Vilavancode and	Tamil and Malayalam

	234-Killyur Assembly Constituencies	
	(e) All other Assembly Constituencies	Tamil
22. Tripura	All Assembly Constituencies	Bengali
23. Uttar Pradesh	(a) 16-Kashipur 17-Seohara 18-Dampur 19-Afzalgarh 20-Nagina (SC) 21- Najibabad (SC) 22-Bijnor 23-Chandpur 24-Kanth 25- Amroha 26-Hasanpur 27- Gangashwari (SC) 28- Sambal 29- Bahjoi 30- Chandausi (SC) 31- Kundeki 32-Moradabad West 33-Moradabad 34- Moradabad Rural 35- Thakurdwara 36-Suar Tanda 37-Rampur 38- Bilaspur 39-Shahabad (SC) 44-Badaun 46- Binawar 48-Aonla 49- Sunha 50-Faridpur (SC) 51-Bareilly Cantonment 52-Bareilly City 53- Nawabganj 54- Bhojipura, 55, Kabar, 56-Baheri 57- Pilibhit, 58-Barkhera (SC), 59, Bisalpur 60-Puranpur 65-Dadraul 69-Shajahanpur 74-Behta 75. Biswan 78-Laharpur 79- Sitapur 80-Hargaon (SC) 99-Malihabad (SC) 100- Mahona 101-Lucknow East; 102-Lucknow West 103-Lucknow Central 104- Lucknow Cantonment 105-Sarojini Nagar 106- Mohanlalgarh (SC) 138-	Hindi and Urdu

Rudauli 139.-Dariyabad  
140-Sidhaur (SC) 142:  
Masauli 143-Nowabganj  
144-Fatehpur. (SC) 145  
Ramnagar 148-Mahsi 149-  
Nanpara 150-Chanda (SC)  
154-Gainsari 155-Tulsipur  
156-Balrampur 157-  
Utraula 158-Sadullanagar  
159-Mankapur (SC) 160-  
Mujehna 169-Ramnagar  
170-Domariaganj 171-  
Itwa 172-Shohratgarh  
173-Naugarh 176-  
Menhdawal 177-  
Khalilbad (SC) 178-  
Hainsarbazsar (SC) 218-  
Mubarakpur 219-  
Mohammadabad Gohna  
(SC) 220-Mau 275-  
Allahabad North 276-  
Allahabad South 277-  
Allahabad West-278  
Chail (SC) 287-Aryanagar  
288-Sisamau (SC) 289-  
Generalganj 290-Kanpur  
Cantonment 291-Govind-  
nagar 292-Kalyanpur  
293-Sarsaul 373-Aligarh  
374-Koil (SC) 376-  
Barauli 383-Agota 384-  
Bulandshahr 385-Shikar-  
pur (SC) 388-Ghaziabad  
389-Muradnagar 390-  
Modinagar 391-Hapur  
(SC) 392-Garmukteshwar  
393-Kithora 394-  
Hastinapur (SC) 395-  
Sardhana 396-Meerut  
Cantonment 397-Meerut  
398-Kharkhauda 399-  
Siwalkhauda (SC) 400-  
Khekra 401-Baghpatt 402-

	Barnawa 403-Chaprauli 404-Kandhla 405- Khatauli 406-Jansath (SC) 407-Morna 408- Muzaffarnagar 409- Charthawal (SC) 410- Baghra 411-Kairana 412- Thana Bhawan 413-Nakur 414-Sarsawa 415-Nagal (SC) 416-Deoband 417- Harora (SC) 418-Saharanpur 419- Muzaffarabad 420- Roorkee 421-Lhaksar 422-Hardwar Assembly Constituencies	
	(b) All other Assembly Constituencies	Hindi
*23A. Uttaranchal	All Assembly Constituencies	Hindi
24. West Bengal	(a) 22-Kalimpong 23- Darjeeling, 23-Kurseong and 25-Siliguri Assembly Constituencies	Bengali and Nepali
	(b) 28-Islamapur and 29-Goalpokhar Assembly Constituencies	Bengali and Hindi
	(c) Assembly Constituencies Comprised in Calcutta District excluding 139- Belgachia East Assembly Constituencies	English
	(d) 139-Belgachia East and 224 Kharagpur Town Assembly Constituencies	Bengali and English
	(e) All other Assembly Constituencies	Bengali
25. Pondicherry	(a) 28-Mahe and 29- Palloor Assembly Constituencies	Malayalam

	(b)	30 Yanam Assembly Constituency	Telugu
	(c)	All other Assembly Constituencies	Tamil
26.	National Capital Territory of Delhi	All Assembly Constituencies	Hindi, Urdu and English

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**By Order**  
**Secretary to the**  
**Election Commission of India**

\* *Vide Direction No. 4/2001/JS-II, dt. 30.1.2001.*

\*\* *Vide Direction No. 3/4/2002/JS-II, dt. 17.1.2002.*



**ANNEXURE XVIII A**  
**(CHAPTER V, PARA 32.3)**

No. ....

To

..... (name and address of candidate)

Subject:- Maintenance of account of election Expenses and lodging of true copy thereof

Sir/Madam,

Your attention is invited to Section 77 of the Representation of the People Act, 1951 which stipulates that every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

2. Your attention is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of the account kept by him or by his election agent under Section 77.
3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit. etc., he is required by law to lodge his account of election expenses.
4. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under section 10A or the Representation of the People Act, 1951 for a period of three years.
5. The account of election expenses to be kept by a candidate or his election agent under section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure, incurred/authorised from day to day, as prescribed under rule 86 of the Conduct of Elections Rules, 1961.
6. A Register is being furnished to you herewith. You are required to maintain your day to day account of election expenses in this very Register and in no other document. All supporting vouchers, bills, etc., should also be kept along with the Register arranged in proper chronological order at all times. An abstract statement of expenditure is also to be prepared by you after the declaration of result of election in Parts – I to VI of the format enclosed herewith.
7. All documents such as vouchers, receipts, acknowledgements, etc. in support of the expenditure incurred or authorised shall be obtained on day-to-day basis and shall be maintained in the correct chronological order alongwith the Register showing the day-to-day account.
8. You should make this Register and the supporting documents available for inspection if demanded at any time during the process of election by the District Election Officer, Returning Officer, Election Observer appointed by the Election Commission or any other such authority nominated by the

Commission in this behalf. Failure to produce this register when demanded will be considered as a major default on your part in maintaining your day to day account and you may render yourself liable to penal action under Section 171-1 of the Indian Penal Code.

9. This very Register in which you are to maintain your day to day account of election expenses should itself be filed by you as your account of election expenses after the election as required under section 78 of the Representation of the People Act 1951 mentioned-above. You should keep a copy of the account as maintained in that Register for your record and reference. Alongwith the Register, you must file the abovementioned abstract statement containing details of expenditure, and the same must be supported by an affidavit in the format enclosed. The affidavit should be sworn before a Magistrate of the First Class or an Oath Commissioner or a Notary Public.
10. It may be noted that Section 77 (1) has been amended vide Election and Other Related Laws (Amendment) Act, 2003. As per the amended provisions of "Explanation (1)" of this Section, all expenditure incurred or authorised in connection with the election of the candidate by the political party which has set him up, any other association/body of persons or any other individual shall also be required to be included in the account of election expenses of the candidate under the said Section 77. The only exception is the expenses incurred on the travel of 'leaders' of the political party for propagating the programme of the political party, who are covered under 'Explanations 1 and 2 of Section 77(1).
11. If you contest election from more than one constituency, you are required to maintain and lodge a separate account of your election expenditure in respect of each such constituency.
12. Kindly acknowledge receipt of the letter alongwith its enclosures immediately in the enclosed acknowledgment form.

Yours faithfully,

RETURNING OFFICER FOR

.....Parliamentary/Assembly Constituency

*\* Strike off whichever is inapplicable*

**Enclosures :**

1. Register bearing serial no..... containing pages ..... for maintenance of election expenses, along with (i) the format for maintaining the abstract statement of accounts and (ii) the format of affidavit.
2. Extracts of Section 77, 78 and 10A of the Representation of the People Act, 1951, and rule 86 of the Conduct of Elections Rules, 1961.
3. Form of Acknowledgment receipt.

**ANNEXURE XVIII B**  
**(CHAPTER V, PARA 32.3 AND CHAPTER XVII, PARA 11)**  
**ELECTION COMMISSION OF INDIA**  
**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001**

No. 76/2003/J.S.II/

Dated:- 24<sup>th</sup> October ,2003

To        The Chief Electoral Officers  
            of all States and Union Territories.

Subject:-        Revised format for maintaining account of election by candidates under sections 77 and 78 of the Representation of the People Act, 1951.

Sir,

I am directed to say that the Commission has revised the format in which the candidates contesting elections to the House of the People and Legislative Assemblies are required to maintain the account of their election expenses under section 77 of the Representation of the People Act, 1951. A copy of the revised format is enclosed.

Some minor changes have been made in the format of the Register in which the candidates are to keep the day to day account of their election expenses (Appendix - 1 of the format). The format in which the abstract statement of the expenses giving detailed information about the expenses have undergone comprehensive changes (Appendix – 2). The format of the affidavit to be submitted by the candidates (Appendix-3) and the format of the letter to be handed over to the candidates by the Returning Officers inviting their attention to the requirements of law regarding filing of account of election expenses (Appendix – 4) have also been modified.

If in the States where elections have been announced by the commission, the registers for maintaining the day to day account of expenses have already been printed in the earlier format, the same may be used for the current elections. However, for the abstract statement and the affidavit to be submitted by the candidates at the time of lodging the account of election expenses the revised format alone should be handed over to the candidates.

It may be noted that as per new Explanations 1 and 2 inserted under Section 77(1) [vide the 'Election And other Related Laws (Amendment) Act, 2003', already sent to you] only the expenses on account of travel of 'leaders' of the political covered under Explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses –incurred/authorised by the political parties, other associations, body of persons, individuals- are required to be included in the account of the candidate. This change in the law should be specifically brought to the notice of the District Election Officers, Returning Officers, etc.

The formats for maintaining account of election expenses, affidavit of candidates and the letter to be addressed to the candidates by Returning Officers as given in Annexure –XVI of Handbook for Returning Officers (EVM) and the corresponding part in the Handbook for Candidates may be treated as amended/ substituted by the formats enclosed herewith.

Kindly acknowledge receipt.

Yours faithfully,  
**(K.F. WILFRED)**  
UNDER SECRETARY

**ANNEXURE XVIII C**  
**(CHAPTER V, PARA 32.4)**

## REGISTER FOR MAINTENANCE OF DAY TO DAY ACCOUNTS OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES

Name of the Candidate :

Name of the Political Party, if any :

Constituency from which contested :

Date of declaration of result :

Name and Address of the Election Agent :

Total expenditure incurred / authorised :

(from the date of nomination to date of  
declaration of result of election, both date inclusive)

Date of Expenditure	Nature of Expen- diture	Name of person/political party/association/body who incurred/authorised expenditure		Amount of Expenditure		Date of payment	Name and address of Payee	S.No. of voucher in case of an amount paid	S.No. of Bill in case of an amount outstanding the amount outstanding is payable	Name & address of person to whom	Remarks
		Candidate/his election agent	Political party/asso- ciations/ body/any other individual	Paid	Out- standing						
1	2	3	4	5	6	7	8	9	10	11	12

Certified that this is a true account kept by me/my election agent  
under section 77 of the Representation of the People Act, 1951  
(Certificate to be furnished after the date of declaration of the result)

- N.B. 1. This Register must be maintained on daily basis and shall be subject to inspection at any time by the observers appointed by the Election Commission, the District Election Officer, Returning Officer or by any other officer authorised in this behalf.

2. This Register must be lodged in original with the District Election Officer as the return of election expenditure under section 78 of the Representation of the People Act, 1951. It must be accompanied by an Abstract Statement of election expenses and an affidavit, in the prescribed formats. No return of expenditure will be accepted as complete without the Abstract Statement of election expenses and the affidavit.
3. Vouchers may not be attached only in respect of those items which are listed in Rule 86 (2) of the Conduct of Elections Rules, 1961 like postage, travel by rail. For any voucher not attached vide this rule, an explanation to the effect that it was not practicable to obtain the required vouchers must be given in the prescribed Register.
4. The account shall be countersigned by the candidate if it is lodged by his election agent and should be certified by the candidate himself to be correct copy of the account kept.
5. Apart from the expenses incurred or authorised by the candidate/election agent directly, all expenditure incurred or authorised by the political party, other associations, bodies of persons, individuals, in connection with the election of the candidate are also required to be included in the account. The only exception is the expenses incurred on travel of 'leaders' of the political party on account of their travel for propagating the programme of the party [See Explanations 1 and 2 of Section 77(1)].
6. If the expenditure on any item shown above in column 2 is incurred / authorised by any political party / association / body of persons / any individual (other than the candidate or his election agent), its / his name and complete address must be shown in column 4.

**ANNEXURE XVIII D**  
**(CHAPTER V, PARA 32.5)**  
**ABSTRACT STATEMENT OF ELECTION EXPENSES**

**PART-I**

Name of Candidate	:	
Number and name of Constituency	:	
Name of State / Union Territory	:	
Nature of Election	:	By-Election/General Election
Date of declaration of result	:	
Name and Address of the Election Agent	:	

**PART-II**

I.	Were you a candidate set up by a Political Party ?	:	Yes/No
II.	If yes, name of the party.	:	.....
III.	Is the Party a recognised Political Party ?	:	Yes/No
IV.	If recognised political party, whether National / State Party	:	Nation/State Party
V.	Has your party incurred/authorised expenses in your election ?	:	Yes/No
VI.	Has any other association/ body of persons / individual incurred/authorised expenses in your election ?	:	Yes/No
VII.	If yes, give its/his/their name(s) and complete address	:	(1) ..... (2) ..... (3) .....

### PART III

## ABSTRACT STATEMENT OF EXPENDITURE ON ELECTION BY THE CANDIDATE/HIS ELECTION AGENT

Items of Expenditure	Expenditure incurred/ authorised by			Total Expenses incurred/ authorised (Total of Columns 2,3 & 4)
	Candidate/ his Election Agent	Political Party which set him up	Any other Association/ Body of Persons/ Individual	
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.

- i. Public meetings, processions, etc.
- ii. Campaign materials, like, handbills, posters, video and audio cassettes, loudspeakers etc.
- iii. Campaign through electronic / print media (including cable network)
- iv. Vehicles used and POL expenditure on such vehicles
- v. Erection of gates, arches, cutouts, banners, etc.
- vi. Visits of 'leaders' to the constituency {other than the expenditure on the travel of 'Leaders' as defined in Explanation 2 under Section 77 (1) for propagating programme of the party}
- vii. Visit of other party functionaries
- viii. Other misc. Expenses

Grand Total .....

Lump-sum grant received, if any, from –

- (i) Political party
- (ii) Any other association / body (with its name and address)
- (iii) Any individual (with name and address)

## PART IV

### DETAILS OF EXPENDITURE ON VEHICLES USED

Details of all expenditure on all vehicles used in connection with the election including the vehicles supplied to candidate by his Political Party or any other association/organisation/body or by any other individual are required to be shown (the only exception is the expense incurred in connection with travel of 'leaders' of political party for propagating programme of political party covered by Explanations 1 and 2 under Section 77 (1)).

Regn. No. of Vehicle	Type of Vehicle	No. of days for which used	Expenditure incurred on POL, maintenance and drivers <u>Salary etc./hiring charges</u>		
			Amount spent by the candidate/ election agent	Amount spent by the political party	Amount spent by any other association/body of persons/ individual
1	2	3	4	5	6

Grand total (Col. 4 + 5 + 6) Rs. ....



## PART V

### DETAILS OF EXPENDITURE ON PUBLIC MEETINGS

Public meetings held by the candidate/his election agent/his political party/any other association/organisation/body any other individual (other than the candidate/his election agent).

Date of Meeting	Venue of Meeting	Name of authority from whom permission obtained	Cost of erecting pandal and hiring of furniture & fixtures	Cost of hiring Loud-Speakers and Micro-phones	Other miscellaneous expenses	Total	Out of the amount shown in col.7, the component of expenditure incurred by		
							Candidate/Election Agent	The Political Party	Any other Association/Body/Individual
1	2	3	4	5	6	7	8	9	10

Grand total (Col. 8 + 9 + 10) Rs. ....

# **PART –VI**

## **DETAILS OF EXPENDITURE ON TRAVEL OF LEADER(S) OF THE PARTY NOMINATED IN TERMS OF 'EXPLANATION (2)' UNDER SECTION 77(1) OF THE REPRESENTATION OF THE PEOPLE ACT, 1951**

1	2	3	4	5	6	7	8	9	10	11	12
S.No.	Name of Leader	ARRIVAL DETAILS			DETAILS OF STAY		DEPARTURE DETAILS			Whether Expenditure on item (5), (7) and (10) incurred by candidate, political party or others specify	Expenditure if any on item (5),(7) and (10) by candidate
		Date of Arrival in Constituency	Mode of Travel	Expenditure on Fare paid (if known)	Duration of half in constituency	Expenditure on local journeys	Date of departure from constituency	Mode of Travel	Expenditure on fare paid (if known)		
1.											
2.											
3. etc.											
Total Expenditure:											

PLACE .....

SIGNATURE OF CONTESTING CANDIDATE .....

DATE .....

NAME OF CONTESTING CANDIDATE .....

# FORM OF AFFIDAVIT

Before the District Election Officer ..... (District, State/Union Territory)

Affidavit of Shri ..... (S/o) .....

I..... son/wife/daughter of ....., aged ..... years, r/o.....do hereby solemnly and sincerely state and declare as under:-

- (1) That I was a contesting candidate at the general election/bye election to the House of the People/Legislative Assembly of ..... from ..... Parliamentary/Assembly constituency, the result of which was declared on.....
- (2) That I/my election agent kept a separate and correct account of all expenditure incurred / authorised by me / my election agent in connection with the above election between ..... (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.
- (3) That the said account was maintained in the Register furnished by the Returning Officer for the purpose and the said Register itself is annexed hereto with the supporting vouchers/bills mentioned in the said account.
- (4) That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election, and nothing has been concealed or withheld/suppressed therefrom (other than the expense on travel of 'Leaders' covered by Explanations 1 and 2 under section 77 (1) of the Representation of the People Act, 1951).
- (5) That the Abstract Statement of Election Expenses annexed as Annexure II to the said account also includes all expenditure incurred or authorised by me, my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election.
- (6) That the statements in the foregoing paragraphs (1) to (5) are true to the best of my knowledge and belief, that nothing is false and nothing material has been concealed.

Deponent

Solemnly affirmed/sworn by .....at.....this day of 200..... Before me,

(Signature and seal of the Attesting authority, i.e. Magistrate of the first Class or Oath Commission or Notary Public)

# ACKNOWLEDGEMENT FORM

To

The Returning Officer for

.....

Sir,

I acknowledge receipt of your letter No. .... dated ..... alongwith its enclosures containing, among other documents, a Register bearing serial No. .... for maintaining of my accounts of election expenses.

2. I have noted the requirements of law for maintenance of account of election expenses and lodging of true copy of that account with the District Election Officer/Returning Officer.

Yours faithfully,

Signature of the Candidate with date

*\*Strike Off, whichever is inapplicable.*

## ACKNOWLEDGEMENT

The account of the election expenses in respect of ..... (Constituency) result of which was declared on ..... (Date) has been filed by him on his behalf on ..... (Date) has been received by me today the ..... (Date) of ..... (Month) ..... (Year).

District Election Officer

District.....

**ANNEXURE XVIII E**  
**ELECTION COMMISSION OF INDIA**  
**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110001**

No. 76/2003/JS-II

Dated: 29<sup>th</sup> October, 2003

To        The Chief Electoral Officers of  
            All States and Union Territories

Subject:    **General Elections/Bye-Elections – Instructions for guidance of contesting candidates for lodging their accounts of election expenses – Inspection of accounts of election expenditure as an additional measure – regarding.**

Sir,

I am directed to invite your attention to Commission's letter No.76/98/J.S.II dated 19.1.1998 on the above subject and to say that as per standing instructions of the Commission, the contesting candidates are required to maintain their election expenditure account in the prescribed register on day-to-day basis. They are also required to make available the said register, with supporting documents, for inspection, at any time during the process of election, to the District Election Officers/Returning Officers/Election Observers appointed by the Commission or any other such authority nominated by the Commission in this behalf. It has also been clarified that the failure to produce this register, on demand, will be considered as a major default. The register with the said supporting documents shall be made available by the contesting candidates only once in three days.

The Commission has now prescribed a revised format for maintaining account of election by candidates under Sections 77 and 78 of the Representation of the People Act 1951 vide its letter No.76/2003/JS.II dated 24 October 2003, which has now been made available to you. Under Section 77(1) [vide the 'Election And other Related Laws (Amendment) Act, 2003', already sent to you] only the expenses on account of travel of 'leaders' of the political parties covered under Explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses – incurred/ authorised by the political parties, other associations, body of person, individuals – are required to be included in the account of the candidate.

In order to streamline the scrutiny of accounts maintained by the candidates, the Commission has given the following directions: -

1.        A register in the standard format as already prescribed vide Commission letter No.76/2003/JS.II dated 24.10.2003 shall be issued to each candidate by the Returning Officer immediately after his nomination, for keeping the day-to-day account of his expenditure.
2.        The register shall be duly page-numbered and authenticated by the District Election Officer at the time of issue.
3.        All day-to-day accounts shall be faithfully recorded in this register and in no other document by the candidate or his election agent.

4. All documents such as vouchers, receipts, bills, acknowledgements, etc. in support of the expenditure incurred or authorised shall be obtained from day-to-day as the expenditure is incurred and authorised and maintained in the correct chronological order along with the aforesaid register as prescribed under rule 86 of the Conduct of Election Rules 1961.
5. The day-to-day account maintained in the aforesaid register together with the supporting documents shall be made available for inspection once in three days during the process of election to the District Election Officer/Returning Officer/Election Observer appointed by the Commission or any other such authority nominated by the Commission in this behalf.
6. The District Election Officer and the Election Observer shall prepare a schedule of inspection whereby a three-day cycle of furnishing of accounts will be set for every candidate in such a manner that on each day, accounts of one or more contesting candidates are made available for scrutiny to the concerned officers. In other words, the turn of a candidate to furnish his accounts for scrutiny will fall after every third day throughout the period between the filing of his nomination and declaration of results.
7. The accounts of the candidates will be scrutinised by the District Election Officer/Returning Officer and/or Election Observer or by the nominated officers and they will keep two photocopies of the relevant pages of the register. One copy of the relevant pages of the register will be displayed on the notice board of the Returning Officer and the other copy will be retained in a separate file for each constituency as proof of record with the Returning Officer and furnished to the District Election Officer on conclusion of the poll process.
8. Any person desiring a copy of these day to day accounts will be provided the same by the Returning Officer subject to payment of usual copying charges.
9. While lodging the accounts of the election expenses under Section 78 of the Representation of the People Act 1951, the candidate shall file the prescribed register along with the abstract statements of election expenses and the prescribed affidavit prescribed vide Commission order No.76/2003/JS.II dated 24.10.2003.

The Commission has reiterated that the above instructions should be made clear and known to all contesting candidates and the Election Observers who will be appointed by the Commission and it shall be the complete responsibility of the District Election Officers to ensure that the instructions of the Commission in this matter are complied with in proper manner.

Kindly acknowledge receipt.

Yours faithfully,

**(A.K. MAJUMDAR)**  
**SECRETARY**

**ANNEXURE XIX**  
**(CHAPTER V PARA 33.3)**  
**ELECTION COMMISSION OF INDIA**  
**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001.**

No.3/9/(ES008)/94-J.S. II

Dated: 2nd Sept., 1994

**ORDER**

**Subject : Restrictions on the printing on pamphlets posters etc.**

The printing and publication of election pamphlets, posters, etc., is governed by the provisions of Section 127A of the Representation of the People Act, 1951. The said Section 127A provides as follows:-

**"127A. RESTRICTIONS ON THE PRINTING OF PAMPHLETS, POSTERS ETC.**

- (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.
- (2) No person shall print or cause to be printed any election pamphlet or poster -
  - (a) Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
  - (b) Unless, within a reasonable time after time printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document.
    - (i) Where it is printed in the capital of the State, to the Chief Electoral Officer; and
    - (ii) in any other case, to the district magistrate of the district in which it is printed.
- (3) For the purposes of this section:-
  - (a) Any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly, and
  - (b) "election pamphlet or poster" means any printed pamphlet, and bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particular of an election meeting or routine instructions to election agents or workers.
4. Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.\*
2. The above restrictions on the printing of election pamphlets, posters, etc., have been imposed under the law with a view to establishing the identity of publishers and printers of such documents, so that if any such document contains any matter or material which is illegal, offending or



objectionable like appeal on ground of religion, race, caste, community or language or character assassination of an opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also subserve the purpose of placing a check on the incurring of unauthorised election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.

3. The Commission has noticed that the above provisions of law relating to printing and publication of election pamphlets, posters, etc. are being followed more in their breach than in their observance. At the time of elections, a large number of such documents are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above mentioned requirements of law have not been complied with. The printing presses rarely send the printed documents to the Chief Electoral Officers or, as the case may be, the District Magistrates concerned along with the declaration obtained from the publisher as required under Section 127 A(2). Many a time, the election pamphlets, posters, etc. do not bear on the face the names and addresses of the printer and/or publisher thereof in violation of Section 127A (1).
4. It is further complained to the Commission that no timely action is taken against the offenders with the result that offending material is freely published and circulated with impunity. In this connection, attention is drawn to the following observations made by the Supreme Court in *Rahim Khan Vs. Khurshed Ahmed and others* (\*AIR 1975 SC 290):

“Even at this stage we may notice that the handbill in question does not contain the name of the printer and publisher although the election law so requires. Unfortunately, when such printed material is circulated, there is no agency of the law which takes prompt action after due investigation, with the result that no printer or candidate or propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of source, knowing that nothing will happen until long after the election, when in a burden some litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation.”

5. In order that in future there is strict observance of, and compliance with, the requirements of the above mentioned provisions of law on the subject, the Commission, in exercise of its powers under Article 324 of the Constitution and all other powers enabling it in this behalf, and in suppression of all its previous instructions on the subject, hereby directs as follows:-
  - (1) As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election, write to all printing presses in their districts.
  - (a) Pointing out to them the requirements of above mentioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters such other material printed by them:
  - (b) Asking the printing presses to send the copies of the printed material (alongwith three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A (2) within three days of its printing:

(c) impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws of the State, would be taken.

- (2) The Chief Electoral Officers shall do likewise in respect of the printing presses located at the State capitals.
- (3) Before undertaking the printing of any election pamphlets or posters, etc., printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the Commission in Appendix A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the District Magistrate, as the case may be.
- (4) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Alongwith such printed material and the declaration, the printer shall also furnish the information regarding number of copies of document printed and the price charged for such printing job, in the proforma prescribed by the Commission in Appendix-B hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.
- (5) As soon as a District Magistrate receives any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.
- (6) The Chief Electoral Officers shall also likewise take further follow up action as mentioned in sub-para (5) above in respect of the pamphlets, posters, etc., received by them.
- (7) The Chief Electoral Officers and District Magistrates shall initiate prompt action for investigation forth with if any case of publication of election pamphlets, posters etc. in violation of the above mentioned provisions of said section 127A and/or the Commission's above directions either comes, or is brought to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.
4. The Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the Commission's directions on the above subject will be viewed with utmost concern and the most stringent action possible will be taken against the offenders.
5. If any officer who is responsible for the enforcement of the above provisions of law and the

directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

BY ORDER AND IN THE NAME OF  
ELECTION COMMISSION OF INDIA

**(S.K. MENDIRATTA)**  
**SECRETARY**

- 
1. The Chief Secretaries of Government of all States and Union Territories.
  2. The Chief Electoral Officers of All States and Union Territories.

## APPENDIX - A

Proforma for declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.

(See Section 127-A of the Representation of the People Act, 1951).

I, ..... son/daughter/wife of ..... (name)

resident of ..... (village/town) .....

(District) ..... (State), hereby declare that I as the publisher of

.....

(give brief particulars of election poster, pamphlet, etc.)

being printed by .....

(name of the printing press)

Place .....

Date .....

(Signature of Publishers)

Full Address : .....

Attested by (person personally known to publisher)

Signature  
(name and address)

Signature  
(name and address)

Countersigned by

Signature  
(Name and address of Printer)

**APPENDIX - B**

**PROFORMA FOR SUBMISSION OF INFORMATION REGARDING  
PRINTING OF ELECTION POSTERS, PAMPHLETS, ETC.**

1. Name and address of printer .....  
.....
2. Name and Address of publisher .....  
.....
3. Date of Printing order of the Publisher .....  
.....
4. Date of declaration of the publisher .....  
.....
5. Brief Particulars of election poster, pamphlet, etc. ....  
.....
6. Number of copies of the above document printed .....  
.....
7. Date of printing .....  
.....
8. Printing charges (including cost of paper) being charged from the publisher in respect of the  
above document .....  
.....

Place .....

(Signature of Printer)

Date .....

Seal of the printer

**ANNEXURE XX**  
**(CHAPTER VI, PARA 14.1)**

**(FOR USE AT GENERAL ELECTION)**

**ELECTION COMMISSION OF INDIA**

*To be published in an Extraordinary Issue of the Gazette of India Part II, Section 3(ii), immediately*

NEW DELHI

Dated the .....

**NOTIFICATION**

No ..... In pursuance of sub-rule(2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information:

**FORM 7-A**

**LIST OF CONTESTING CANDIDATES**  
**[SEE RULE 10(1)]**

*Election to the House of the People from I-Madras North Constituency*

Serial No.	Name of candidate	Address of candidate	Party affiliation	Symbol allotted
1	2	3	4	5
(i)	Candidate of recognised National and State Political parties.			
(ii)	Candidates of registered political parties (other than recognised National and State Political Parties).			
(iii)	Other candidates.			
Place .....		**		
Date .....		Returning Officer***		

Applicable in the case of candidates mentioned under categories (i) and (ii) above.

*\*\*Indicate name in capitals.*

*\*\*\*Indicate designation in capitals.*

**N.B.** Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

**FORM 7-A**  
**LIST OF CONTESTING CANDIDATES**  
**[SEE RULE 10(1)]**

*Election to the House of the People from 2-Madras South Constituency*

Etc.

Etc.

Etc.

- 
- \* Indicate name in capitals.
- \*\* Indicate designation in capital

**FORM 7-A**  
**LIST OF CONTESTING CANDIDATES**  
**[SEE RULE 10(1)]**

*Election to the House of the People from 3-Sriperumbudur (SC) Constituency*

Etc.

Etc.

Etc.

---

(                      )  
**Secretary**  
**Election Commission of India**

**FORM 7-A**  
**LIST OF CONTESTING CANDIDATES**  
**[SEE RULE 10(1)]**

*Election to the House of the People from 39-Nagarcoil Constituency*

Etc.

Etc.

Etc.

---

(                      )  
**Secretary**  
**Election Commission of India**

**(FOR USE AT BYE-ELECTION)**  
**ELECTION COMMISSION OF INDIA**

To be published in an Extra ordinary Issue of ..... Government Gazette, part .....  
Section ..... on ..... immediately

.....

Dated .....

**NOTIFICATION**

No ..... In pursuance of sub-rule(2) of rule 11 of the Conduct of Elections Rules, 1961,  
the following is published for general information:

**FORM 7-A**

**LIST OF CONTESTING CANDIDATES**  
**[SEE RULE 10(1)]**

*Election to the House of the People from 1-Madras North Constituency*

Serial No.	Name of candidate	Address of candidate	Party affiliation	Symbol allotted
1	2	3	4	5

- (i) Candidate of recognised National and State Political parties.
- (ii) Candidates of registered political parties (other than recognised National and State Political Parties).
- (iii) Other candidates

Place ..... \*\*

Date .....

Returning Officer\*\*\*

Applicable in the case of candidates mentioned under categories (i) and (ii) above.

\*\*Indicate name in capitals.

\*\*\*Indicate designation in capitals.

**N.B.** Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.



**(FOR USE AT BYE-ELECTION)**  
**ELECTION COMMISSION OF INDIA**

To be published in an Extraordinary Issue of ..... the Gazette of India part .....  
Section ..... on ..... immediately

New Delhi

Dated .....

**NOTIFICATION**

No ..... In pursuance of sub-rule(2) of rule 11 of the Conduct of Elections Rules, 1961,  
the following is published for general information:

**FORM 7-A**

**LIST OF CONTESTING CANDIDATES**  
**[SEE RULE 10(1)]**

*Election to the House of the People from ☐ Constituency*

Serial No.	Name of candidate	Address of candidate	*Party affiliation	Symbol allotted
1	2	3	4	5

- (i) Candidate of recognised National and State Political parties.
- (ii) Candidates of registered political parties (other than recognised National and State Political Parties).
- (iii) Other candidates.

Place ..... \*\*

Date .....

Returning Officer\*\*\*

( )

Secretary

Election Commission of India

☐ Indicate the number and name of the Parliamentary Constituency.

\*Applicable in the case of candidates mentioned under categories (i) and (ii) above.

\*\*Indicate name in capitals.

\*\*\*Indicate designation in capitals.

**N.B.** Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

**ANNEXURE XXI**  
**(CHAPTER VII, PARA 9)**

**NOTICE TO CONTESTING CANDIDATES REGARDING PENAL PROVISIONS IN THE ELECTION LAW**

Please take note that following are the provision relating to the corrupt practice and electoral offences in the Representation of the People Act, 1951, and the offences relating to elections in Chapter IX-A of the Indian Penal Code. The list enumerated below is not to be taken an exhaustive. You are advised to study also relevant provisions in the law. The proof of the commission of these corrupt practices and electoral offences may entail as per law the election being declared void and/or also award of punishment as laid down in the law.

**(I) REPRESENTATION OF THE PEOPLE ACT, 1951**

**A. CORRUPT PRACTICES**

Section 123- (i) Bribery, (ii) undue influence, (iii) appeal on the ground of religion, race, caste, community or language or the use of, or appeal to religious or national symbols, (iv) promotion of feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language (v) publication of false statement in relation to the personal character or conduct of a candidate or his candidature, (vi) the hiring or procuring of vehicles or use of such vehicle for the free conveyance of voters, (vii) the incurring or authorising of election expenses in excess of the prescribed limit, and (viii) the obtaining or procuring of assistance from specified categories of Government Servants, and (ix) booth capturing.

**B. ELECTORAL OFFENCES**

2. Section 125 - Promoting enmity between different classes in connection with election.
3. Section 126 - Prohibition of public meetings during the prohibited period.
4. Section 127-Disturbance at election meetings.
5. Section 127-A Restrictions on the printing of pamphlets, posters, etc.
6. Section 128 - Maintenance of secrecy of votes.
7. Section 130 - Prohibition of canvassing in or near polling stations.
8. Section 131-Disorderly conduct in or near polling stations.
9. Section 132-Misconduct at polling station.
10. Section 133-Illegal hiring or procuring of conveyances at elections.
11. Section 134-B Prohibition of going around to or near to polling station.
12. Section 135 - Removal of ballot papers from polling stations.

- 13. Section 135-A offence of booth capturing.
- 14. Section 135-C Liquor not to be sold, given or distributed on polling day.
- 15. Section 136-Fraudulent or unauthorised destruction of election papers, documents, ballot papers, ballot boxes etc.

**(II) INDIAN PENAL CODE**

- 16. Section 171-B-Bribery.
- 17. Section 171-C-Undue influence at elections.
- 18. Section 171-D-Personation at elections.
- 19. Section 171-G-False statement in connection with an election.
- 20. Section 171-H-Illegal payments in connection with an election.
- 21. Section 171-I-Failure to keep election accounts.

**ANNEXURE XXII**  
**(CHAPTER VII, PARA 11)**

**FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES**  
**AND THEIR ELECTION AGENTS**

\*General/Biennial/Bye-election ..... (Month/Year)

No. & Name of \*Assembly

Lok Sabha Constituency .....

.....  
*(\*Delete whatever is not applicable)*

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letters of appointment of Polling Agents at the time of poll:-

Name of the contesting candidate	Specimen Signature	Name of his/her Election Agent	Specimen signature
1. Shri/Smt./Ms. (Candidate No. 1)	.....	Shri/Smt./Ms.	.....
2. Shri/Smt./Ms. (Candidate No. 2)	.....	Shri/Smt./Ms.	.....
3. Shri/Smt./Ms. (Candidate No. 3)	.....	Shri/Smt./Ms.	.....
etc.			
etc.			

Place .....

SIGNATURE

Date .....

(SEAL)

RETURNING OFFICER

**ANNEXURE XXIII**  
**PART I**  
**THE ELECTION SYMBOLS (RESERVATION AND ALLOTMENT)**  
**ORDER, 1968**

**AN ORDER**

to provide for specification, reservation, choice and allotment of symbols at elections in Parliamentary and Assembly Constituencies, for the recognition of political parties in relation thereto and for matters connected therewith.

**S.O. 2959, dated the 31<sup>st</sup> August, 1968** – WHEREAS, the superintendence, direction and control of all elections to Parliament and to the Legislature of every State are vested by the Constitution of India in the Election Commission of India;

AND WHEREAS, it is necessary and expedient to provide, in the interest of purity of elections to the House of the People and the Legislative Assembly of every State and in the interest of the conduct of such elections in a fair and efficient manner, for the specification, reservation, choice and allotment of symbols, for the recognition of political parties in relation thereto and for matters connected therewith;

NOW THEREFORE, in exercise of the powers conferred by Article 324 of the Constitution <sup>1</sup> [read with section 29A of the Representation of the People Act, 1951 (43 of 1951) ] and rules 5 and 10 of the Conduct of Elections Rules, 1961 and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order:-

**1. SHORT TITLE, EXTENT, APPLICATION AND COMMENCEMENT**

- (1) This Order may be called the Election Symbols (Reservation and Allotment) Order, 1968.
- (2) It extends to the whole of India and applies in relation to elections in all Parliamentary and Assembly Constituencies other than Assembly Constituencies in the State of Jammu & Kashmir.
- (3) It shall come into force on the date of its publication in the Gazette of India which date is hereinafter referred to as the commencement of this Order.

**2. DEFINITIONS AND INTERPRETATION**

- (1) In this Order, unless the context otherwise requires –
  - (a) “clause” means a clause of the paragraph or sub-paragraph in which the word occurs;
  - (b) “Commission”, means the Election Commission of India constituted under Article 324 of the Constitution;
  - (c) “Constituency”, means a parliamentary constituency or an assembly constituency;

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<sup>1</sup> Substituted by Notification No. 56(E), dated 15.6.1989.

- (d) "contested election" means an election in a parliamentary or an assembly constituency where a poll is taken;
- (e) "election" means an election to which this Order applies;
- <sup>1</sup> [(ee) "form" means a form appended to this Order;]
- (f) "general election" means any general election held after the commencement of this Order for the purposes of constituting the House of the People or the Legislative Assembly of a State and includes a general election whereby the House of the People or the Legislative Assembly of a State in existence and functioning at such commencement, has been constituted;
- (g) "paragraph" means a paragraph of this Order;
- <sup>2</sup> [(h) "political party" means an association or body of individual citizens of India registered with the Commission as a political party under Section 29A of the Representation of the People Act, 1951;]
- <sup>1</sup> [(i) "State" includes the National Capital Territory of Delhi and the Union Territory of Pondicherry;]
- (j) "Sub-paragraph" means a sub-paragraph of the paragraph in which the word occurs;
- <sup>2</sup> [(jj) "Union Territory" means Union Territory other than the National Capital Territory of Delhi and the Union Territory of Pondicherry; and]
- (k) Words and expressions used but not defined in this Order but defined in the Representation of the People Act, 1950, or the rules made thereunder or in the Representation of the People Act, 1951, or the rules made thereunder shall have the meanings respectively assigned to them in those Acts and Rules.

(2) The General Clauses Act, 1897 shall, as far as may be, apply in relation to the interpretation of this Order as it applies in relation to the interpretation of a Central Act.

<sup>3</sup>[3.                   \*                   \*                   \* ]

#### 4. ALLOTMENT OF SYMBOLS

In every contested election a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allotted to different contesting candidates at an election in the same constituency.

#### 5. CLASSIFICATION OF SYMBOLS

- (1) For the purpose of this Order symbols are either reserved or free.
- (2) Save as otherwise provided in this Order, a reserved symbol is a symbol which is reserved for a recognised political party for exclusive allotment to contesting candidates set up by that party.
- (3) A free symbol is a symbol other than a reserved symbol.

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<sup>1</sup> Inserted by Notification No. 56/97/Judl.III, dated 15.12.1997.

<sup>2</sup> Substituted by Notification No. O.N.56(E), dated 15.6.1989.

<sup>3</sup> Paragraph 3 omitted by Notification No. O.N.21(E), dated 23.3.1992 (w.e.f. 25.3.1992)

## <sup>1</sup> [6. **CLASSIFICATION OF POLITICAL PARTIES**

- (1) For the purposes of this Order and for such other purposes as the Commission may specify as and when necessity therefor arises, political parties are either recognised political parties or unrecognised political parties.
- (2) A recognised political party shall either be a National party or a State party.

### **6A. CONDITIONS FOR RECOGNITION AS A NATIONAL PARTY**

A political party shall be treated as a recognised National party, if, and only if, -

either (A)(i) the candidates set up by it, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in their respective States at that general election; and (ii) in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States;

or (B)(i) its candidates have been elected to the House of the People, at the last general election to that House, from at least two percent of the total number of parliamentary constituencies in India, any fraction exceeding one-half being counted as one; and (ii) the said candidates have been elected to that House from not less than three States.

### **6B. CONDITIONS FOR RECOGNITION AS A STATE PARTY**

A political party, other than a National party, shall be treated as a recognised State party in a State or States, if, and only if, -

either (A)(i) the candidates set up by it, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in that State at that general election; and (ii) in addition, it has returned at least two members to the Legislative Assembly of the State at the last general election to that Assembly;

or (B) it wins at least three percent of the total number of seats in the Legislative Assembly of the State, (any fraction exceeding one-half being counted as one), or at least three seats in the Assembly, whichever is more, at the aforesaid general election.

### **6C. CONDITIONS FOR CONTINUED RECOGNITION AS A NATIONAL OR STATE PARTY**

If a political party is recognised as a National party under paragraph 6A, or as a State party under paragraph 6B, the question whether it shall continue to be so recognised after any subsequent general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be dependent upon the fulfilment by it of the conditions specified in the said paragraphs on the results of that general election.]

## <sup>1</sup> [7. **SAVINGS AND INTERPRETATION**

- (1) Notwithstanding anything contained in paragraph 6A, 6B or 6C, if any political party stands recognised, immediately before the commencement of the Election Symbols (Reservation and Allotment)

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<sup>1</sup> Substituted by Notification No. 56/2000/Judl.III, dated 1.12.2000.

(Amendment) Order, 2000, either as a National party or as a State party in some State or States, the said party shall continue to have and enjoy the status of such National or State party for the purposes of the next general election, to be held after the commencement of the said Order, to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, and its continued recognition as such National or State party shall thereafter be dependent upon the fulfilment by it of the conditions specified in paragraph 6A or, as the case may be, paragraph 6B.

- (2) For the removal of doubt, it is hereby clarified that the conditions in paragraph 6A or paragraph 6B shall not be deemed to have been satisfied by a political party, -
- (i) if it is newly formed, whether as a result of split in a recognised National or State party or otherwise, and registered with the Commission under section 29A of the Representation of the People Act, 1951, after the last general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned; or
  - (ii) on the joining or taking the membership of that party, by a member of the House of the People, or the Legislative Assembly of a State, after his election to that House or, as the case may be, that Assembly.]

## **8. CHOICE OF SYMBOLS BY CANDIDATES OF NATIONAL AND STATE PARTIES AND ALLOTMENT THEREOF -**

- (1) A candidate set up by a National Party at any election in any constituency in India shall choose, and shall be allotted, the symbol reserved for that party and no other symbol.
- (2) A candidate set up by a State Party at an election in any constituency in a State in which such party is a State Party, shall choose, and shall be allotted the symbol reserved for that Party in that State and no other symbol.
- (3) A reserved symbol shall not be chosen by, or allotted to, any candidate in any constituency other than a candidate set up by a National Party for whom such symbol has been reserved or a candidate set up by a State Party for whom such symbol has been reserved in the State in which it is a State Party even if no candidate has been set up by such National or State Party in that constituency.

## **<sup>1</sup> [9. RESTRICTION ON THE ALLOTMENT OF SYMBOLS RESERVED FOR STATE PARTIES IN STATES WHERE SUCH PARTIES ARE NOT RECOGNISED**

A symbol reserved for a State Party in any State –

- <sup>2</sup> {(a) shall not be included in the list of free symbols for any other State or Union Territory; and
- (b) shall not be reserved for any other party which subsequently becomes eligible, on fulfillment of the conditions specified in <sup>3</sup> {{paragraph 6B}}, for recognition as a State Party in any other State:

Provided that nothing contained in clause (b) shall apply in relation to a political party, for which the Commission has, immediately before the commencement of the Election Symbols

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<sup>1</sup> Substituted by Notification No. 56/97/Judl.III, dated 15.12.1997.

<sup>2</sup> Substituted by Notification No. 56/99/Judl.III, dated 8.6.1999.

<sup>3</sup> Substituted by Notification No. 56/2000/Judl.III, dated 1.12.2000.



(Reservation and Allotment) (Amendment) Order, 1997, already reserved the same symbol which it has also reserved for some other State Party or Parties in any other State or States.}]

**<sup>1</sup> [10. CONCESSION TO CANDIDATES SET UP BY A STATE PARTY AT ELECTIONS IN OTHER STATES OR UNION TERRITORIES:**

If a political party which is recognised as a State Party in some State or States, sets up a candidate at an election in a constituency in any other State or Union Territory in which it is not a recognised State party, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved for that party in the State or States in which it is a recognised State Party, notwithstanding that such symbol is not specified in the list of free symbols for such other State or Union Territory, on the fulfillment of each of the following conditions, namely :-

- (a) that an application is made to the Commission by the said party for exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;
- (b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and
- (c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment.

Provided that nothing contained in this paragraph shall apply to a candidate set up by a State Party at an election in any constituency in a State in which that party is not a State Party and where the same symbol is already reserved for some other State Party in that State.]

**<sup>2</sup> [10A. CONCESSION TO CANDIDATES SET UP BY AN UNRECOGNISED PARTY WHICH WAS EARLIER RECOGNISED AS A NATIONAL OR STATE PARTY**

If a political party, which is unrecognised at present but was a recognised National or State party in any State or Union territory not earlier than six years from the date of notification of the election, sets up a candidate at an election in a constituency in any State or Union territory, whether such party was earlier recognised in that State or Union territory or not, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved earlier for that party when it was a recognised National or State party, notwithstanding that such symbol is not specified in the list of free symbols for such State or Union territory, on the fulfilment of each of the following conditions, namely:-

- (a) that an application is made to the Commission by the said party for the exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;
- (b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements

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<sup>1</sup> Substituted by Notification No. 56/99/Judl.III, dated 8.6.1999.

<sup>2</sup> Inserted by Notification No. 56/2000/Judl.III, dated 1.12.2000.

of clauses (b), (c), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and

- (c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment:

Provided that nothing contained in this paragraph shall apply to a candidate set up by the said party at an election in any constituency in a State or Union territory where the same symbol is already reserved for some other National or State party in that State or Union Territory].

## **11. RESTRICTIONS ON THE CHOICE AND ALLOTMENT OF SYMBOLS ALLOTTED UNDER PARAGRAPH 10 <sup>1</sup>[OR PARAGRAPH 10A]**

Notwithstanding anything contained in any of the foregoing provisions where elections are held simultaneously in a parliamentary constituency and in the assembly constituencies comprised in such parliamentary constituency, then-

- (a) if a symbol has been exclusively allotted under paragraph 10 <sup>1</sup>[or paragraph 10A] to a candidate set up by a political party at any election in the parliamentary constituency, that symbol shall not be allotted to any candidate at any election in any of the said Assembly Constituencies unless such candidate is a candidate set up by that political party; and
- (b) if a symbol has been exclusively allotted under paragraph 10 <sup>1</sup>[or paragraph 10A] to a candidate set up by a political party at any election in any of the said Assembly Constituencies that symbol shall not be allotted to any candidate at the election in the said Parliamentary Constituency unless such candidate is a candidate set up by that political party.

## **<sup>1</sup>[12. CHOICE OF SYMBOLS BY OTHER CANDIDATES AND ALLOTMENT THEREOF**

- (1) Any candidate at an election in a constituency in any State or Union territory, other than-

- (a) a candidate set up by a National party, or
- (b) a candidate set up by a political party which is a State party in that State, or
- (c) a candidate referred to in paragraph 10 or paragraph 10A,

shall choose, and shall be allotted, in accordance with the provisions hereafter set out in this paragraph, one of the symbols specified as free symbols for that State or Union territory by notification under paragraph 17.

- (2) Where any free symbol has been chosen by only one candidate at such election, the returning officer shall allot that symbol to that candidate, and to no one else.
- (3) Where the same free symbol has been chosen by several candidates at such election, then -
- (a) if, of those several candidates, only one is a candidate set up by an unrecognised political party and all the rest are independent candidates, the returning officer shall allot that free symbol to the candidate set up by the unrecognised political party, and to no

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<sup>1</sup> Inserted by Notification No. 56/2000/Judl.III, dated 1.12.2000.

one else; and, if, of those several candidates, two or more are set up by different unrecognised political parties and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different unrecognised political parties that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else:

Provided that where of the two or more such candidates set up by such different unrecognised political parties, only one is, or was, immediately before such election, a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the returning officer shall allot that free symbol to that candidate, and to no one else;

- (b) if, of those several candidates, no one is set up by any unrecognised political party and all are independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly, and was allotted that free symbol at the previous election when he was chosen as such member, the Returning Officer shall allot that free symbol to that candidate, and to no one else; and
- (c) if, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer shall decide by lot to which of those independent candidates that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else.]

### **<sup>1</sup> [13. WHEN A CANDIDATE SHALL BE DEEMED TO BE SET UP BY A POLITICAL PARTY**

For the purposes of an election from any parliamentary or assembly constituency to which this Order applies, a candidate shall be deemed to be set up by a political party in any such parliamentary or assembly constituency, if, and only if, -

- (a) the candidate has made the prescribed declaration to this effect in his nomination paper;  
<sup>2</sup> {(aa) the candidate is a member of that political party and his name is borne on the rolls of members of the party;}
- (b) a notice by the political party in writing, in Form B, to that effect has, not later than 3 p.m. on the last date for making nominations, been delivered to the Returning Officer of the constituency;
- (c) the said notice in Form B is signed by the President, the Secretary or any other office bearer of the party, and the President, Secretary or such other office bearer sending the notice has been authorised by the party to send such notice;
- (d) the name and specimen signature of such authorised person are communicated by the party, in Form A, to the Returning Officer of the constituency and to the Chief Electoral Officer of the <sup>3</sup> {State or Union Territory concerned}, not later than 3 p.m. on the last date for making nominations; and

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<sup>1</sup> Substituted by Notification No. 56/99/Judl.III, dated 20.5.1999.

<sup>2</sup> Inserted by Notification No. 56/2000/Judl.III, dated 1.12.2000.

<sup>3</sup> Substituted by Notification No. 56/99/Judl.III, dated 8.6.1999.

- (e) Forms A and B are signed, in ink only, by the said office bearer or person authorised by the party:  
Provided that no facsimile signature or signature by means of rubber stamp, etc., of any such office bearer or authorised person shall be accepted and no form transmitted by fax shall be accepted.]

**<sup>1</sup> [13A. SUBSTITUTION OF A CANDIDATE BY A POLITICAL PARTY:-**

For the removal of any doubt, it is hereby clarified that a political party which has given a notice in Form B under paragraph 13 in favour of a candidate may rescind that notice and may give a revised notice in Form B in favour of another candidate for the constituency:

Provided that the revised notice in Form B, clearly indicating therein that the earlier notice in Form B has been rescinded, reaches the Returning Officer of the constituency, not later than 3 p.m. on the last date for making nominations, and the said revised notice in Form B is signed by the authorised person referred to in clause (d) of paragraph 13:

Provided further that in case more than one notice in Form B is received by the Returning Officer in respect of two or more candidates, and the political party fails to indicate in such notices in Form B that the earlier notice or notices in Form B, has or have been rescinded, the Returning Officer shall accept the notice in Form B in respect of the candidate whose nomination paper was first delivered to him, and the remaining candidate or candidates in respect of whom also notice or notices in Form B has or have been received by him, shall not be treated as candidates set up by such political party.]

**14. POWER OF COMMISSION TO ISSUE INSTRUCTIONS TO UN-RECOGNISED POLITICAL PARTIES FOR THEIR EXPEDITIOUS RECOGNITION ON FULFILMENT OF CONDITIONS SPECIFIED IN <sup>2</sup>[PARAGRAPH 6A OR PARAGRAPH 6B]**

The Commission may issue for the benefit of unrecognised political parties such instructions as it may think necessary for their expeditious recognition when they have <sup>2</sup> [fulfilled any of the conditions for such recognition specified in paragraph 6A or paragraph 6B].

**15. POWER OF COMMISSION IN RELATION TO SPLINTER GROUPS OR RIVAL SECTIONS OF A RECOGNISED POLITICAL PARTY**

When the Commission is satisfied on information in its possession that there are rival sections or groups of a recognised political party each of whom claims to be that party, the Commission may, after taking into account all the available facts and circumstances of the case and hearing such representatives of the sections or groups and other persons as desire to be heard, decide that one such rival section or group or none of such rival sections or groups is that recognised political party and the decision of the Commission shall be binding on all such rival sections or groups.

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<sup>1</sup> Inserted by Notification No. 56/99/Judl.III, dated 20.5.1999.

<sup>2</sup> Substituted by Notification No. 56/2000/Judl.III, dated 1.12.2000.

## **16. POWER OF COMMISSION IN CASE OF AMALGAMATION OF TWO OR MORE POLITICAL PARTIES**

- (1) When two or more political parties, one or some or all of whom is a recognised political party or are recognised political parties join together to form a new political party, the Commission may, after taking into account all the facts and circumstances of the case, hearing such representatives of the newly formed party and other persons as desire to be heard and having regard to the provisions of this Order, decide-
- (a) whether such newly formed party should be a National party or a State Party; and
  - (b) the symbol to be allotted to it.
- (2) The decision of the Commission under sub-paragraph (1) shall be binding on the newly formed political party and all the component units thereof.

## **<sup>1</sup> [16A. POWER OF COMMISSION TO SUSPEND OR WITHDRAW RECOGNITION OF A RECOGNISED POLITICAL PARTY FOR ITS FAILURE TO OBSERVE MODEL CODE OF CONDUCT OR FOLLOW LAWFUL DIRECTIONS AND INSTRUCTIONS OF THE COMMISSION**

Notwithstanding anything in this Order, if the Commission is satisfied on information in its possession that a political party, recognised either as a National party or as a State party under the provisions of this Order, has failed or has refused or is refusing or has shown or is showing defiance by its conduct or otherwise (a) to observe the provisions of the 'Model Code of Conduct for Guidance of Political Parties and Candidates' as issued by the Commission in January, 1991 or as amended by it from time to time, or (b) to follow or carry out the lawful directions and instructions of the Commission given from time to time with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and the electorate in particular, the Commission may, after taking into account all the available facts and circumstances of the case and after giving the party reasonable opportunity of showing cause in relation to the action proposed to be taken against it, either suspend, subject to such terms as the Commission may deem appropriate, or withdraw the recognition of such party as the National Party or, as the case may be, the State Party.]

## **17. NOTIFICATION CONTAINING LISTS OF POLITICAL PARTIES AND SYMBOLS**

- (1) The Commission shall by one or more notifications in the Gazette of India publish lists specifying-
- (a) the National Parties and the symbols respectively reserved for them;
  - (b) the State Parties, the State or States in which they are State Parties and the symbols respectively reserved for them in such State or States;
  - <sup>2</sup> [(bb) xxxxxxxx]
  - <sup>3</sup> [(c) the un-recognised political parties and the addresses of their headquarters registered with the Commission;] and
  - <sup>4</sup> [(d) the free symbols for each State and Union Territory.]
- (2) Every such list shall, as far as possible, be kept up-to-date.

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<sup>1</sup> Inserted by Election Commission's Notification O.N.42(E), dated 18.2.1994.

<sup>2</sup> Deleted by Notification No. 56/2000/Judl.III, dated 1.12.2000.

<sup>3</sup> Substituted by Notification No. 56/2000/Judl.III, dated 1.12.2000.

<sup>4</sup> Substituted by Notification No. 56/99/Judl.III, dated 8.6.1999.

## **18. POWER OF COMMISSION TO ISSUE INSTRUCTIONS AND DIRECTIONS**

The Commission, may issue instructions and directions-

- (a) for the clarification of any of the provisions of this Order;
- (b) for the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
- (c) in relation to any matter with respect to the reservation and allotment of symbols and recognition of political parties, for which this Order makes no provision or makes insufficient provision, and provision is in the opinion of the Commission necessary for the smooth and orderly conduct of elections.

<sup>1</sup> [19.           \*                   \*                   \* ]

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<sup>1</sup> Paragraph 19 omitted by Notification No. 56/99/Judl.III, dated 8.6.1999.

## ANNEXURE XXIII

### PART II

#### <sup>1</sup> FORM A

#### COMMUNICATION WITH REGARD TO AUTHORISED PERSONS TO INTIMATE NAMES OF CANDIDATES SET UP BY RECOGNISED NATIONAL OR STATE POLITICAL PARTY OR REGISTERED UN-RECOGNISED POLITICAL PARTY.

*(See paragraph 13(c), (d) and (e) of the Election Symbols  
(Reservation and Allotment) Order, 1968.)*

To

1. The Chief Electoral Officer,  
.....(State/Union Territory)
2. The Returning Officer for the  
.....Constituency

Subject: General Elections to ..... from ..... (State/Union Territory) – Allotment of Symbols  
– Authorisation of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person (s) has/have been authorised by the party, which is National Party/State Party in the State of ...../Registered Un-recognised Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorised to send notice	Name of office held in the party	District(s)/area(s) constituency/constituencies in respect of which he has been authorised
1	2	3
1. 2. 3. . . . . .		

---

<sup>1</sup> Inserted by Notification No. 56/97/Judl-III, dated 15.12.1997

2. The specimen signatures of the above mentioned person (s) so authorised are given below:-

1. Specimen signatures of Shri .....

(i) ..... (ii) .....

(iii) .....

2. Specimen signatures of Shri .....

(i) ..... (ii) .....

(iii) .....

3. Specimen signatures of Shri .....

(i) ..... (ii) .....

(iii) .....

Yours faithfully,

President/Secretary  
Name of the Party

Place .....

Date .....

(Seal of the Party)

**N.B.**

1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.



## ANNEXURE XXIII

### PART III

#### <sup>1</sup> FORM B

## NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY

*[See paragraphs 13(b), (c) and (e) and 13A of the Election Symbols  
(Reservation and Allotment) Order 1968]*

To

The Returning Officer for the  
.....Constituency

Subject: General/bye Election to ..... from ..... (Name of the Constituency) in  
.....(State/Union Territory) – setting up of candidate.

Sir,

In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby give notice on behalf of ..... (party)

- (i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named , and
- (ii) the person whose particulars are mentioned in columns (5) to(7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing general/bye election from this constituency :

Name of the Constituency	Name of the approved Candidate	Father's/ Mother's/ Husband's Name of approved candidate	Postal address of approved candidate	Name of the substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's/ Mother's/ Husband's Name of substitute candidate	Postal Address of substitute Candidate
1	2	3	4	5	6	7

---

<sup>1</sup> Inserted by Notification No. 56/97/Judl-III, dated 15.12.1997

- \*2. The notice in Form 'B' given earlier in favour of Shri/Smt./Sushri.....as party's approved candidate/Shri/Smt./ Sushri .....as Party's substitute candidate is hereby rescinded.
- <sup>1</sup> 3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Yours faithfully,

(Name and Signature of the  
Authorised person of the Party)

(Seal of the Party)

Place .....

Date .....

---

*\* Score off, if not applicable.*

**N.B.**

1. This must be delivered to the Returning Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.
4. Para 2 of the Form must be scored off, if not applicable, or must be properly filled, if applicable.

## **ANNEXURE XXIII**

### **PART IV**

#### **(CHAPTER VIII, PARAS 4.2 AND 5)**

## **EXPLANATORY NOTE FOR ALLOTMENT OF SYMBOLS**

1. The allotment of symbols has to be made immediately after the expiry of the time fixed for the withdrawal of candidatures. While drawing up a list of contesting candidates a different symbol has to be allotted to each contesting candidate as far as possible in conformity with his choice given in the nomination paper first filed by him. You should proceed to allot the symbols in the following order.

Firstly, you should pick up the candidates set up by National parties and allot to them the symbols reserved for them and no other symbol.

Secondly, you should pick up the candidates set up by State parties and allot them the symbols reserved for them. A party may be a State party in one State and not a State party in the State where it contests an election. If such a party sets up a candidate where it is not a State party, he should be allotted the symbol reserved for that party only if so specifically directed by the Commission in respect of your constituency on the fulfilment of the conditions laid down in paragraph 13 of the Symbols Order. In all other cases, the candidates of such party should be treated as candidates of registered un-recognised party.

Thirdly, you should take up the allotment of symbols to candidates set up by unrecognised political parties registered with the Commission. You should consult the latest list issued by the Commission. They should be allotted only free symbols according to the choice indicated in the nomination paper first filed.

2. You should adopt the following procedure for allotment of symbols to candidates set up by registered political parties and independent candidates. If there is only one candidate set up by an unrecognised but registered party, then you should allot the free symbol according to the choice expressed in the nomination paper first filed. If, however, two or more candidates belonging to registered parties ask for the same free symbol then you should draw lots. Then you should proceed to allot symbols to candidates set up by associations or bodies not registered with the Commission and independent candidates not having any party affiliation. If, of the several independent candidates one of them is or was immediately before the election, a sitting member of the House of the People or the legislative Assembly and was allotted a particular free symbol at the previous election when he was chosen as such member, you should allot that free symbol to him. Then you should allot the symbol to the remaining candidates. If more than one candidate has chosen the same symbol as his first choice you should draw lots.
3. Where election are held simultaneously in a parliamentary and in the Assembly Constituencies comprised in that Parliamentary Constituency and if a symbol is exclusively allotted under the Commission's direction to a candidate set up by a State party at an election in a Parliamentary Constituency in a State in which that party is not a State party, that symbol shall not be allotted to

any candidate at that election in any of the component Assembly constituencies unless such candidate is a candidate set up by that political party. Similarly, if a symbol has been exclusively allotted to a candidate set up by a State party at an election from one of the Assembly Constituencies comprised within a Parliamentary Constituency, that symbol shall not be allotted to any candidate at the election from the said Parliamentary Constituency, unless such a candidate is set up by that political party.

4. It must be noted and strictly observed that only those free symbols are allotted to candidates set up by registered unrecognised political parties and independent candidates which are included in the list of free symbols as notified by the Election Commission for your State. For this purpose, you must always consult the latest list notified by the Commission containing the names of recognised National and State parties and the symbols respectively reserved for them and also the list of free symbols for your State.

**ANNEXURE XXIV  
(CHAPTER X, PARA 4.2)**

Electoral Roll Part No.  Serial No. Elector	<b>8-Rampur H.P./96 Genl. POSTAL BALLOT PAPER</b>
<b>8-Rampur H.P./96 Genl. POSTAL BALLOT PAPER</b>	
<b>ABNASHI RAM</b> (Name of the Party)	
<b>AMAR NATH</b> (Name of the Party)	
<b>BABU SINGH</b> (Name of the Party)	

**ANNEXURE XXIV-B**  
**(CHAPTER X, PARA 14.1)**

**REGISTER OF POSTAL BALLOT PAPERS ISSUED TO  
PERSONS DRAFTED FOR ELECTION DUTY**

Sl. No.	Name of the person drafted for election duty and who has submitted Form-12 for Postal Ballot Paper	Whether the person is registered as an elector in the constituency (Yes/No)	If yes, Part No. & Serial Number in Electoral Roll	Date of which Postal Ballot Paper issued and entry made in the marked copy of the Electoral Roll	Whether the person collected the Postal Ballot Paper in person (Yes/No)	If yes, sign of the person with date token of receipt of P.B.
1	2	3	4	5	6	7

**ANNEXURE XXVA  
(CHAPTER X, PARA 4.2)**

**<sup>1</sup>FORM 13F  
[SEE RULE 27N(3)]**

**APPOINTMENT OF PROXY BY CLASSIFIED  
SERVICE VOTER TO GIVE VOTE.**

I .....(name of the classified service voter) aged about .....s/o, d/o, w/o  
..... r/o .....presently working as .....and posted at  
.....am entitled to appoint proxy under sub-rule (2) of rule 27N of the Conduct of Election  
Rules, 1961. I hereby appoint .....(name of the proxy) aged about .....s/o, d/  
o, w/o .....r/o .....as my proxy to give vote on my behalf and in my name in\*[  
..... Assembly constituency and] ..... Parliamentary constituency of the State/  
Union territory of ..... in which I am entitled to give vote under the Representation of the People  
Act, 1951 (43 of 1951) and the rules made there under.

.....

(Signature of proxy)

.....

(Signature of classified service voter)

Serial number of his name on  
and part no.of electoral roll of the  
concerned constituency .....

Serial number of his name in the last  
part of electoral roll of the concerned  
constituency .....  
Service Identity Card No. ....  
Name of the Force to which he  
belongs .....

*\*Not applicable in Union Territories having no Legislative Assembly*

- Note:** (1) The person to be appointed as proxy shall be of not less than eighteen years of age and ordinarily resident in the constituency concerned and shall not be disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act 1950 (43 of 1950).
- (2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the identity card of the classified service voter to authenticate veracity of the classified service voter.
- (3) Score out the words not applicable.

# RECEIPT OF FORM 13F FOR THE APPOINTMENT OF PROXY BY CLASSIFIED SERVICE VOTER

Serial No.....

Received Form 13F of Shri / Smt. / Kum. ....

.....

Returning Officer

---

1.      *Ins. by Notification. No. S.O.903 (6), dt. 05.08.2003.*



**ANNEXURE XXV-B  
(CHAPTER X, PARA 4.2)**

**FORM 13G  
[SEE RULE 27N (4)]**

**REVOCATION OF APPOINTMENT OF PROXY OR REVOCATION  
OF APPOINTMENT OF PROXY AND APPOINTMENT OF SUBSTITUTE  
PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE**

I .....(name of the classified service voter) aged about .....s/o, d/o, w/o  
.....r/o .....presently working as ..... and posted at  
..... had appointed .....(name of the proxy) aged about .....s/o, d/o, w/  
o ..... r/o .....as my proxy to give vote on my behalf and in my name in the  
\*[..... Assembly constituency and }.....Parliamentary constituency of the State/  
Union territory of .....

I hereby revoke the appointment of my said proxy and do not wish to appoint any substitute proxy.

OR

Whereas such proxy has died/ I hereby revoke appointment of the said proxy and being entitled to  
appoint substitute proxy under sub-rule (4) of rule 27N of the Conduct of Election Rules, 1961, hereby  
appoint .....(name of the substitute proxy) aged about ..... s/o, d/o, w/o  
..... r/o .....as substitute proxy who shall hereafter give vote on my behalf  
and in my name in the aforementioned Assembly and Parliamentary constituency (ies) ..... of the  
State/Union territory of .....in which I am entitled to give vote under the Representation of the  
People Act, 1951 (43 of 1951) and the rules made thereunder.

.....  
(Signature of proxy)

.....  
(Signature of classified service voter)

Serial number of his name on  
and part no.of electoral roll of the  
concerned constituency .....

Serial number of his name in the last  
part of electoral roll of the concerned  
constituency .....  
Service Identity Card No. ....  
Name of the Force to which he  
belongs .....

---

*\*Not applicable in Union Territories having no Legislative Assembly*

- Note:** (1) The person to be appointed as proxy shall be of not less than eighteen years of age and ordinarily resident in the constituency concerned and shall not be disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act 1950 (43 of 1950).
- (2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the identity card of the classified service voter to authenticate veracity of the classified service voter."
- (3) Score out the word (s) which are not applicable.
- 

**RECEIPT OF FORM 13G FOR REVOCATION OF APPOINTMENT OF  
PROXY OR REVOCATION OF APPOINTMENT OF PROXY AND APPOINTMENT OF  
SUBSTITUTE PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE**

*(To be handed over to the person depositing the said form)*

Serial No.....

Received Form 13F of Shri / Smt. / Kum. ....

R/o .....

Dated .....

(Signature and Seal)

Returning Officer

**ANNEXURE XXV-C****(CHAPTER X, PARA 6.2)****LIST OF CLASSIFIED SERVICE VOTERS AND PROXIES  
(UNDER RULE 27P(2) OF CONDUCT OF ELECTIONS RULES 1961)**

(1) Name of State :

(2) No. & name of Constituency :

S.No.	Name of the Classified Service Voter (CSV)	Name of the Force to which he belongs & Service ID No.	Age	Father's/ husband's/ Mother's/ Name	Address	S.No. of his name in the last part of the electoral roll of the constituency	Name of the Proxy	Age of the Proxy	Father's/ husband's/ Mother's Name	Full Address of the Proxy	Date on which	
											Intimation about appointment was received by R.O.	Intimation about revocation if any, was received by R.O.
1	2	3	4	5	6	7	8	9	10	11	12	13

Signature of Returning Officer

**ANNEXURE XXV-D**  
**(CHAPTER X, PARA 6.2)**

**POLLING STATION-WISE SUB-LIST OF CLASSIFIED SERVICE  
VOTERS AND PROXIES**

**(SEE RULE 27P(3) OF CONDUCT OF ELECTIONS RULES 1961)**

(1) No. & name of Constituency :



(2) Part No. of Electoral Roll :



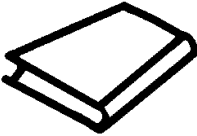



S.No.	Name of the Classified Service Voter (CSV)	Name of the Force to which he belongs & Service ID No.	Age	Father's/ Husband's/ Mother's Name	Address	S.No. of his name in the last part of the electoral roll	Name of the Proxy	Age of the Proxy	Father's/ Husband's/ Mother's Name	Full Address of the Proxy
1	2	3	4	5	6	7	8	9	10	11

Signature of Returning Office

**ANNEXURE XXVI**  
**(CHAPTER X, PARA 25.3)**

132 – ANANTPUR 132 – अनन्तपुर

1.	अनिल भूषण ANIL BHUSHAN	
2.	बाबू अब्राहम BABU ABRAHAM	
3.	दिलीप कुमार DILIP KUMAR	
4.	फ्रैंक ऐरन FRANK AARON	
5.	गौतम कुमार GOUTAM KUMAR	
6.	हरजीत सिंह HARJIT SINGH	
7.	मीना अरोरा MEENA ARORA	
8.	नसीरुल्लाह खान NASEERULLA KHAN	

9.	प्रसाद राव PRASAD RAO	
10.	रवि शंकर RAVI SHANKAR	
11.	संध्या शर्मा SANDHYA SHARMA	
12.	भूषान शिन्दे BHUSHAN SHINDE	
13.	रमेश गुप्ता RAMESH GUPTA	
14.	एम.एस. सेठी M.S. SETHI	

**ANNEXURE XXVII**  
**(CHAPTER XI, PARA 4.2)**

**ELECTION COMMISSION OF INDIA**

**MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES**

**I. GENERAL CONDUCT**

- (1) No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
- (2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or on distortion shall be avoided.
- (3) There shall be no appeal to caste or communal, feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.
- (4) All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law such as the bribing of voters, intimidation of voters, personation of voters, canvassing within 100 metres of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.
- (5) The right of every individual for peaceful and undisturbed home life shall be respected, however as much the political parties or candidates may resent his political opinions or activities. Organising demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
- (6) No political party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall etc. without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.
- (7) Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by the other parties. Workers or sympathizers of one political party shall not create disturbances at public meetings organised by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meeting are being held by another party. Posters issued by one party shall not be removed by workers of another party.

**II. MEETINGS**

- (1) The party or candidates shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

- (2) A party or candidates shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly. If any exemption is required from such orders it shall be applied for and obtained well in time.
- (3) If permission of licence is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or licence.
- (4) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organisers themselves shall not take action against such persons.

### **III. PROCESSIONS**

- (1) A party or candidate organising a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.
- (2) The organisers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.
- (3) The organisers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
- (4) The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions the passage of held-up traffic could be allowed by stages thus avoiding heavy traffic congestion.
- (5) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
- (6) If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organisers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.
- (7) The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements, especially in moments of excitement.
- (8) The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.



#### **IV. POLLING DAY**

All political parties and candidates shall-

- (i) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
- (ii) supply to their authorised workers suitable badges or identity cards;
- (iii) agree that the identity slips supplied by them to voters shall be on plain (white) papers and shall not contain any symbol, name of the candidate or the name of the party.
- (iv) refrain from serving or distributing liquor on polling day and during the twenty four hours preceding it;
- (v) not allow unnecessary crowds to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathisers of the parties and candidates;
- (vi) ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatables shall be served or crowds allowed at the camps; and
- (vii) co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

#### **V. POLLING BOOTH**

Excepting the voters no one without a valid pass from the Election Commission shall enter the polling booths.

#### **VI. OBSERVERS**

The Election Commission is appointing observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of the election they may bring the same to the notice of the observer.

#### **VII PARTY IN POWER**

The party in power whether at the Centre or in the State or States concerned shall ensure that no cause is given for any complaint that it has used its official position for the purpose of its election campaign and in particular-

- (i) (a) the Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during electioneering work;
- (b) govt. transport including official aircrafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

- (ii) public places such as maidans etc. for holding election meeting and use of helipads for airflights in connection with elections, shall not be monopolized by itself. Other parties and candidate shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;
- (iii) rest houses, dak bungalows or other Government accommodation shall not be monopolised by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premised appertaining thereto) as a campaign officer or for holding any public meeting for the purposes of election propaganda;
- (iv) issue of advertisement at the cost of public exchequer in the news papers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the Party and Power shall be scrupulously avoided.
- (v) ministers and other authorities shall not sanction grants/payment out of discretionary funds from the time election are announced by the Commission; and
- (vi) from the time the election are announced by the Commission, Ministers and other authorities shall not-
  - (a) announce any financial grants in any form or promises thereof; or
  - (b) lay-foundation stones etc. of projects or schemes of any kind; or
  - (c) make any promise of construction of roads, provision of drinking water facilities etc. or
  - (d) make any ad-hoc appointments in Government, public undertakings, etc., which may have the effect the influencing the voters in favour or the party in power.
- (vii) ministers of Central or State Govt. shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorised agent.

**Note:** The Commission shall announce the date of any election which shall be a date ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.

**ANNEXURE XXVIII-A**  
**(CHAPTER XII, PARA 6.1 AND 12.1)**  
**STEP-BY-STEP OPERATIONS DURING SEALING OF EVM**  
**BY THE RETURNING OFFICER**

1. Arrange all the Balloting Units (BU) and Control Units (CU) required for the polling stations as well as the reserve quantities under the tables in order of polling stations. If space is a constraint, take-up the operations round wise.
2. Remove the BU from the carrying case.
3. Place a plastic bubble sheet on the table.
4. Place the BU in face down position on the plastic bubble sheet.
5. Tally the serial number on the BU with that on the carrying case. In case these numbers do not tally, such units cannot be sealed and are to be kept aside and another unit substituted in its place.
6. Note down the serial number of the BU in the issue register.
7. Note down the machine serial number on the four (4) address tags of the BU. The four (5) tags will be required at the time of the Returning Officers (RO) sealing, which are placed as follows:
  - A tag for sealing after inserting ballot paper under the Ballot paper Screen
  - A tag for sealing the BU at the right top side after closing.
  - A tag for sealing the BU at the right bottom side after closing.
  - A tag on the carrying case after placing the BU. This may not be sealed but only tied to one corner hole of the carrying case using a thread.
8. Affix the Distinguishing Mark on the address tags.
9. Place the address tags for each polling station near the corresponding BU.
10. Place the BU in face up position on the table.
11. Open the top cover of the BU.
12. Put the slide switch to the proper position (set to 1, if the number of the candidates are 16 or less).
13. Open the transparent acrylic Balloting Paper Screen.
14. Place the Ballot Paper (this should already be signed on the reserve by the RO) under the transparent acrylic cover and ensure that the lines are aligned (IMPORTANT).
15. Unmask (Blue) all the used Candidate Buttons and mask (White) all the unused buttons.
16. Close the transparent acrylic Balloting Screen.

17. Remove the Control Unit (CU) from its carrying case and place it on the left side of the corresponding BU.
18. Tally the serial number of the CU with that on its carrying case. In case these numbers do not tally, such units cannot be sealed and are to be kept aside and another unit substituted in its place.
19. Note down the serial number of the CU and BU the issue register.
20. Note down the serial number on two (2) address tags for the CU. The two tags are required at the same time of RO sealing, which are placed as follows:
  - A tag for sealing the Candidate Set Section and
  - A tag on the carrying case. This may not be sealed but only tied on the carrying case using thread.
21. Affix the distinguishing mark on the address tags. Place the address tags for each polling station near the corresponding CU.
22. Interconnect the BU with the CU as per pairing.
23. Place a new battery in the Candidate Set Section in the CU.
24. Switch ON the power switch in the bottom compartment of the CU.
25. Check for the ON (Green) and BUSY(Red) lamp on the CU are glowing and observe the display '88 8888 followed by 'np 1', 'Cd' (no. of contesting candidates) with Beep sound.
26. Press the 'Candset" Button on CU and observed the displayed 'Cd' with continuous beep sound. Observed Red light Busy lamp n CU and Green light in Ready lamp in BU. Then press the last unmasked button on the BU.
27. Press the 'Total' button and ensure that the number of candidates are correctly set and the total number of voters is ZERO and observe displayed 'np 1';cd\*& 'To0' with beep sound.  
(\*for number of contesting candidates)
28. Switch OFF the CU (IMPORTANT).
29. Disconnect the BU from the CU and close the rear cover of the CU.
30. Close and seal the Candidate Set Section of the CU with an Address Tag.
31. Put a long thread (about 1 meter) through the two inner seals of the ballot paper screen.
32. Attach an address tag to the long thread and position it towards the bottom side by putting another hole in the address tag.
33. Put Lac on the knot at the address tag and affix the RO's seal.
34. Close the BU's top cover.
35. Affix the seals on the address tags placed at the right top and right bottom latch covers of the BU.
36. Arrange the interconnecting cable of the BU in the proper fold with the rubber band.

37. Place the BU inside the plastic cover and place it in its carrying case.
38. Place the CU inside the plastic cover and place it in its carrying case.
39. Tie the respective address tags on the carrying cases with threads.

**Note:** 1. PUT A CARD BOARD WHILE SEALING WITH THE LAC.  
2. PUT CELOTAPE FOR FIXING THE ADDRESS TAGS PROPERLY.

**VALUABLE TIME WILL BE SAVED BY COMPLETING SEVERAL PRELIMINARY PROCEDURES LISTED BELOW BEFORE OPENING THE MACHINES:**

- i) Preparation of Issue Register with serial numbers columns for the Units left blank as per prescribed Proforma.
- ii) Preparation of address tags-four (4) for BU and two (2) for the CU with all the relevant data excepting the serial number of the machine and the Distinguishing Mark filled in. Use rubber stamp for filling in (1) Name of the constituency (2) Assembly segment (3) Date of poll.
- iii) Cutting of thread – about 1 meter (one) and 20 cms length (six) of the requisite numbers.
- iv) Heating arrangements for the Lac. Lac to be used for sealing can be melted in a pot while one person put it on the sealing places another can mark the RO's seal on that.
- v) RO's signature on the reserve side of the ballot papers.
- vi) Procuring 5-10 numbers of blades for cutting off excess thread.
- vii) Procuring of one of two tubes of adhesive (like Fevi-Kwick) for any on the spot repairs of breakages.

**IMPORTANT GUIDELINES**

- Please handle the machine carefully as these are liable to be damaged if not handled gently.
- Ensure that the ballot paper screen is not scratched while handling.
- Always place a new battery inside the machine during RO sealing.
- Ensure that the top side of the mating connector of BU is kept on top while connecting it to the CU. Any attempt to force the connection in the opposite direction will bend the sensitive pins inside the connector.
- Never leave the machine switched in 'ON' condition after sealing is over:
- Place the machine for safe custody after RO sealing.

**IMPORTANT POINT – SEAL OF THE R.O.**

While preparing the Control Unit and Ballot Units by the Returning Officer, it has been mentioned at various places that the machines shall be sealed with the seal of the Returning Officer.

In this connection, it is clarified that while preparing the CUs and BUs for the polling, the RO shall not use the Secret Seal supplied by the Election Commission. He should use his own seal.

The Secret Seal of the Commission should be used to seal the machines after counting is over and before the machines are stored in the Treasury.

**ANNEXURE XXVIII-B**  
**(CHAPTER XIII, PARA 18.3)**

**COMPLETE METHOD OF SEALING CONTROL UNIT**  
**INCLUDING USE OF STRIP SEAL**

**1. FOR THE SAKE OF EASY UNDERSTANDING, THE COMPLETE SEQUENTIAL ORDER OF THE STEPS TO BE TAKEN BY THE PRESIDING OFFICER AT THE POLLING STATION UNTIL AND INCLUDING FIXING THE STRIP SEAL ARE GIVEN BELOW:-**

- i) Before the commencement of the actual poll, the Presiding Officer conducts mock poll.
- ii) After conducting mock poll and showing the result, the Presiding Officer shall clear the Control Unit of the date relating to mock poll by operating 'Clear' button.
- iii) After clearing, he shall insert the Green Paper Seal (two seals in the case of BEL machines and only one in case of ECIL machine) to cover the windows of the inner door of the Result Section. While inserting the Green Paper Seal(s), care should be taken to ensure that the Green portion of the seal is visible through the windows of the inner door after it is closed.
- iv) After inserting the Green Paper Seal, the inner door above the result buttons shall be closed.
- v) Then the inner door of the result section shall be sealed off with the special tag.
- vi) After fixing the Special Tag, close the outer door of the Result Section ensuring that the loose ends of the Green Paper Seal(s) protrude out from both the sides of the closed outer door (Refer to Commission's instructions vide letter no. 51/8/2001/PLN-IV dated 3.12.2001)
- vii) Then the Presiding Officer shall seal the outer door with thread and address tag.
- viii) Next he shall proceed to fix the Strip Seal around the Control Unit to seal the Result Section from outside completely so that this section cannot be opened without damaging the Strip Seal after the poll commences. The Strip Seal shall be positioned just below the "CLOSE" button. The detailed procedure to fix the Strip Seal is given below. There is a slight difference in the method of fixing the Strip Seal for BEL make machines and ECIL make machines. Follow the instructions below depending on the make of the EVM available in your State / Union Territory.

**2. METHOD OF SEALING BEL MAKE MACHINES WITH STRIP SEAL:**

**Step-1:** Keep the Strip Seal with the pre-gummed portion 'A' positioned near the base of the Green Paper Seal protruding from the inner end of the door. Remove the wax paper covering 'A'. Then press the inner layer of the Green Paper Seal over the gummed portion 'A'. Also keep the outer layer of the Green Paper Seal over the inner layer.

**Step-2:** Remove the wax paper over the pre-gummed portion 'B' and press this pre-gummed

portion 'B' over the outer layer of Green Paper Seal. After pasting 'B' over the Green Paper Seal, the pre-gummed portion 'C' will come to the top position.

**Step-3:** Remove the wax paper over the pre-gummed portion 'C' and press both the ends of Green Paper Seal protruding from the upper portion of the outer door so that the inner layer of that Green Paper Seal is firmly gummed to 'C'.

**Step-4:** Take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the "CLOSE" Button. Bring the other end of the Strip Seal from right side of the Control Unit on top of the Outer Door where the pre-gummed portions 'A', 'B' and 'C' have been pasted.

**Step-5:** Remove the wax paper covering the pre-gummed portion 'D' and press it firmly over the outer layer of the Green Paper Seal protruding from the top portion of the door. The pre-gummed portion 'D' spills over the Strip Seal below the "CLOSE" Button Press this spilled-over portion of 'D' firmly over the Strip Seal.

By the above process, all the four loose ends of the Green Paper Seals protruding from both the sides of the door get firmly pasted and held by the Strip Seal. At the same time, the outer door over the Result Section is also sealed with this Strip Seal from all sides and this section cannot be opened without damaging this seal.

### **3. METHOD OF SEALING ECIL MAKE MACHINES WITH STRIP SEAL**

In ECIL machines only one Green Paper Seal is used. Therefore, the loose ends of the same Green Paper Seal protrude from either end of the outer door over Result Section. Following are the steps to seal with Strip Seal:-

**Step-1:** First double fold the inner end of the Green Paper Seal in the middle ensuring that the green portions of the seal remain outside ..

**Step-2:** Keep the Strip Seal with the pre-gummed portion 'A' positioned near the base of the inner fold of the Green Paper Seal protruding from the inner side of the outer door of the Result Section. Remove the wax paper over 'A' and press the inner fold of the Green Paper Seal over this gummed portion and paste.

**Step-3:** Remove the wax paper over the pre-gummed portion 'B' and press this pre-gummed portion 'B' over the outer layer of Green Paper Seal .

**Step-4:** After pasting 'B' over the Green Paper Seal, the pre-gummed portion 'C' will come to the top position. Remove the wax paper over the pre-gummed portion 'C', press the Green Paper Seal protruding from the top portion of the outer door so that the Green Paper Seal is firmly gummed to 'C'.

**Step-5:** Take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the "CLOSE" Button. Bring the other end of the Strip Seal from right side of the Control Unit on top of the Outer Door where the pre-gummed portions 'A', 'B' and 'C' have been pasted .

**Step-6:** Remove the wax paper covering the pre-gummed portion 'D' and press it firmly over the outer layer of the Green Paper Seal protruding from the top portion of the door. The pre-gummed portion 'D' spills over the Strip Seal below the "CLOSE" Button Press this spilled-over portion of 'D'

firmly over the Strip Seal .

By the above process, all the four loose ends of the Green Paper Seals protruding from both the sides of the door get firmly pasted and held by the Strip Seal. At the same time, the outer door over the Result Section is also sealed with this Strip Seal from all sides and this section cannot be opened without damaging this seal.

#### **AFTER FIXING THE STRIP SEAL**

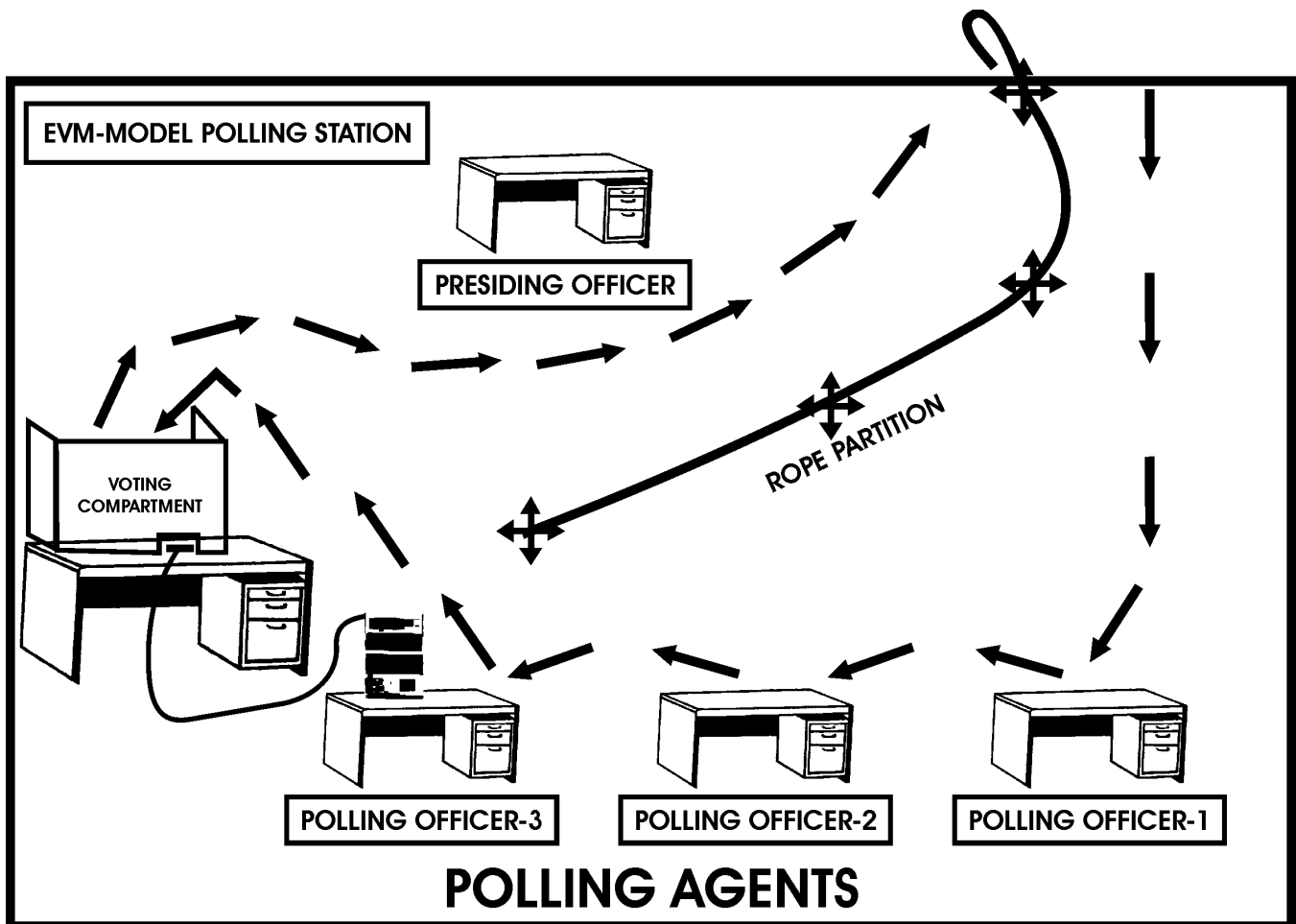
4. After sealing the Control Unit with the Strip Seal, the Presiding Officer shall take care that the seal is not damaged or tempered with during the poll and this seal shall NOT be removed during or after the poll in the polling station.
5. At the end of the poll at prescribed hour, the Presiding Officer shall remove the cap over "CLOSE" Button without disturbing the Strip Seal and press the "CLOSE" Button to close the poll and replace the cap. After completing other formalities at the end of the poll, the Presiding Officer shall carefully pack the Control Unit in its carrying case and seal the carrying case with address tag. This sealed carrying case shall be delivered to the Counting Centre.
6. On the day of the counting, the Control Unit with the Strip Seal intact shall be allowed to be examined by the candidates/counting agents present at the Counting Table. Only thereafter, the seal shall be removed taking care that the Green Paper Seal(s) are not damaged. After examining the Green Paper Seals protruding outside, the thread seal on the outer door of the Control Unit shall be opened.

#### **IMPORTANT PRECAUTIONS**

7.
  - (i) The Strip Seal shall be positioned to cover the portion below the "CLOSE" Button cap on the outer door of the Result Section. While fixing this strip, ensure that the "CLOSE" Button is left clear and not covered even partially by this strip so that there is no difficulty to operate that button.
  - (ii) The Strip Seal shall be fixed taut and shall not be loose.
  - (iii) DO NOT USE DAMAGED STRIPS.
  - (iv) Each polling station will be supplied with four (4) Strip Seals like Green Paper Seals.
  - (v) Presiding Officers shall account for each Strip Seal supplied to the polling station for the conduct of poll.
  - (vi) They should return every Strip Seal that is not used [including the strips (or pieces thereof)] damaged accidentally to the Returning Officers who will be held responsible if any Strip Seal is found in the hands of any unauthorized person at any time.
  - (vii) The CEOs and DEOs shall keep a record of the serial numbers of the Strip Seals supplied to each RO. Similarly, each RO shall keep a record of the Strip Seals supplied to each polling station.
  - (viii) Commission will issue samples of Strips Seals to the States for the purpose of demonstration as well as Training. These samples strips also shall be kept in safe custody. After using the Strips for Training or demonstration, as the case may be, the used Strips should be destroyed by shredding them.

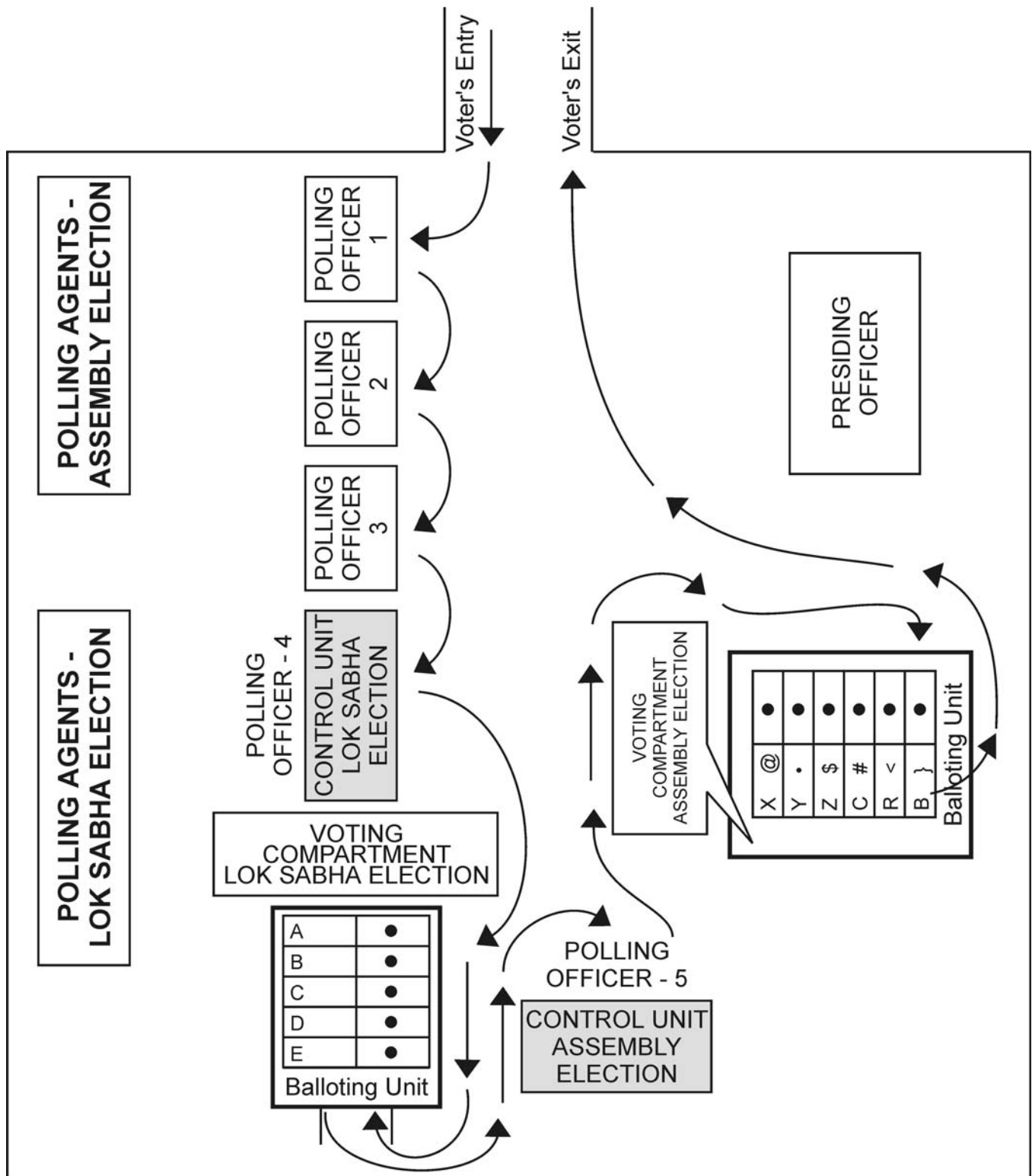


ANNEXURE XXIX-A  
(CHAPTER XIII, PARA 7.1)



# ANNEXURE XXIX-B

## LAYOUT OF POLLING STATION WHERE EVMs ARE USED AT SIMULTANEOUS ELECTION



**ANNEXURE XXX**  
**(CHAPTER XIII, PARA 21)**

**DECLARATION BY PRESIDING OFFICER**

**PART-I**

Declaration by the Presiding Officer before the commencement of the Poll Election from.....  
..... Parliamentary/Assembly/Constituency Serial No. and name of Polling Station.....  
Date of Poll .....

I hereby declare :

- (1) that I have demonstrated to the polling agents and others presents-
  - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
  - (b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
  - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the Result Section of control unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature.....  
Presiding Officer

Signature of polling agents

1 .....(of candidate.....)	2.....(of candidate.....)
3 .....(of candidate.....)	4.....(of candidate.....)
5 ..... (of candidate.....)	6.....(of candidate.....)
7 .....(of candidate.....)	8.....(of candidate.....)
9 ..... (of candidate.....), etc.	

The following polling agent(s) declined to affix his/her signature(s), on this declaration.

1 .....(of candidate.....)	2.....(of candidate.....)
3 .....(of candidate.....)	4.....(of candidate.....)

Date .....  
Time .....

Signature.....  
Presiding Officer

## PART-II

Declaration by the Presiding Officer at the time use of subsequent voting machine, if any.  
Election from ..... Parliamentary/Assembly/Constituency Serial No. and name  
of Polling Station.....

Date of Poll.....

I hereby declare ;

- (1) that I have demonstrated to the polling agents and others present by holding a mock poll that the subsequent voting machine is in perfect working order and that no vote is already recorded therein;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the Result Section of control unit of the voting machine I have affixed my own signature and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature.....  
Presiding Officer

Signature of polling agents

- |                                   |                            |
|-----------------------------------|----------------------------|
| 1 .....(of candidate.....)        | 2 .....(of candidate.....) |
| 3 .....(of candidate.....)        | 4 .....(of candidate.....) |
| 5 ..... (of candidate.....)       | 6 .....(of candidate.....) |
| 7 .....(of candidate.....)        | 8 .....(of candidate.....) |
| 9 ..... (of candidate.....), etc. |                            |

The following polling agent(s) declined to affix his/her signature(s), on this declaration.

- |                            |                            |
|----------------------------|----------------------------|
| 1 .....(of candidate.....) | 2 .....(of candidate.....) |
| 3 .....(of candidate.....) | 4 .....(of candidate.....) |

Date .....  
Time .....

Signature.....  
Presiding Officer

### PART-III

#### DECLARATION AT THE END OF POLL

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in 'Part I—Accounts of Votes Recorded' of Form 17C as required under rule 49S(2) of the Conduct of Elections Rules, 1961.

Date .....

Signature .....

Time .....

Presiding Officer

Received an attested copy of the entries in the account of votes recorded (Part I of Form 17C)

*Signature of polling agents*

1 .....(of candidate.....)

2 .....(of candidate.....)

3 .....(of candidate.....)

4 .....(of candidate.....)

5 ..... (of candidate.....)

6 .....(of candidate.....)

7 .....(of candidate.....)

8 .....(of candidate.....)

9 ..... (of candidate.....)

The following polling agents who were present at the close of the poll declined to receive an attested copy of the Part I of Form 17C and to give a receipt therefor and so an attested copy of that Form was not supplied to them:

1 .....(of candidate.....)

2 .....(of candidate.....)

3 .....(of candidate.....)

4 .....(of candidate.....)

5 ..... (of candidate.....)

6 .....(of candidate.....)

7 .....(of candidate.....)

8 .....(of candidate.....)

9 ..... (of candidate.....)

Date .....

Signature .....

Time .....

Presiding Officer

## PART-IV

### DECLARATION AFTER THE SEALING OF THE VOTING MACHINE

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the control unit and balloting units of the voting machine.

Date .....

Signature .....

Time .....

Presiding Officer

The following polling agents have affixed their seals.

*Signature of polling agents*

1 .....(of candidate.....)

2 .....(of candidate.....)

3 .....(of candidate.....)

4 .....(of candidate.....)

5 ..... (of candidate.....)

6 .....(of candidate.....)

The following polling agents refused or did not want to affix their seals.

1 .....(of candidate.....)

2 .....(of candidate.....)

3 .....(of candidate.....)

4 .....(of candidate.....)

Date .....

Signature .....

Time .....

Presiding Officer

**ANNEXURE XXXI**  
**(CHAPTER XIII, PARA 39.3)**  
**DECLARATION BY THE COMPANION OF**  
**BLIND OR INFIRM ELECTOR**

..... Assembly Constituency (comprised within .....  
..... Parliamentary Constituency)

Sl. No. and name of Polling Station .....

I ..... son of .....

aged ..... \*resident of.....

.....

hereby declare that :

(a) I have not acted as companion of any other elector at any polling station today, the .....

.....

(b) I will keep secret the vote recorded by me on behalf of+ .....

.....

.....

Signature of Companion

---

\* Full address to be given.

+ Name, Part No. and Serial number of elector.

( ) To be filled in the case of election to the House of the People or at simultaneous elections.

**ANNEXURE XXXII**  
**(CHAPTER XIII, PARA 44.1)**

**PRESIDING OFFICER'S DIARY**

1. Name of the constituency (in block letters):
2. Date of poll :
3. Number of the polling station :  
Whether located in-
  - (i) Government or quasi-government building;
  - (ii) Private building;
  - (iii) Temporary structure;
4. Number of polling officers recruited locally, if any :
5. Appointment of polling officer made in the absence of duly appointed polling officer, if any, and the reasons for such appointment :
6. Voting Machine-
  - (i) Number of Control Units used :
  - (ii) S. No. (s) of Control Units used :
  - (iii) Number of balloting units used :
  - (iv) S. No. of balloting units used :
7.
  - (i) Number of paper seals used :
  - (ii) Sl. Nos. of paper seals used :
- 7A.
  - (i) Number of special tags supplied:
  - (ii) S.No.(s) of special tags supplied:
  - (iii) Number of special tags used:
  - (iv) S.No.(s) of special tags used:
  - (v) S.No.(s) of special tags returned as unused:
- 7B.
  - (i) Number of Strip Seals supplied:
  - (ii) S.No.(s) of Strip Seals supplied:
  - (iii) Number of Strip Seals used:
  - (iv) S.No.(s) of Strip Seals used:
  - (v) S.No.(s) of Strip Seals returned as unused:
8. Number of polling agents and the number who arrived late :
9. Number of candidates who had appointed polling agents at the polling stations :



10. (i) Total no. of voters assigned to the polling station:
- (ii) Number of electors allowed to vote according to marked copy of the electoral roll:
- (iii) Number of electors who actually voted as per the Register of Voters (From 17-C).
- (iv) Number of votes recorded as per the voting machine:

Signature of first Polling Officer

Signature of Polling Officer  
in-charge of Register of Voters

11. Number of electors who voted-  
Men .....  
Women .....  
Total .....
12. Challenged vote-  
Number allowed .....  
Number rejected .....  
Amount forfeited Rs. ....
13. Number of persons who have voted on production of Election Duty Certificate (EDC) :
- 13 A Number of proxy voters who voted:
14. Number of electors who voted with the help of companions :
15. Number of tendered votes :
16. No. of electors-  
From whom declarations as to their age obtained .....  
Who refused to give such declaration .....
17. Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment :
18. Number of votes cast-  
from 7 a.m. to 9 a.m.  
from 9 a.m. to 11 a.m.  
from 11 a.m. to 1 p.m.  
from 1 p.m. to 3 p.m.  
from 3 p.m. to 5 p.m.
19. Number of slips issued at the closing hour of the poll :

20. Electoral offences with details :  
Number of cases of-
- (a) canvassing within one hundred metres of the polling station :
  - (b) impersonation of voters :
  - (c) fraudulent defacing, destroying or removal of the list of notice or other document at the polling station.
  - (d) bribing of voters :
  - (e) intimidation of voters and other persons :
  - (f) booth capturing
21. Was the poll interrupted or obstructed by-
- (1) riot :
  - (2) open violence :
  - (3) natural calamity :
  - (4) booth capturing:
  - (5) failure of voting machine:
  - (6) any other cause :

Please give details of the above.

22. Was the poll vitiated by any voting machine used at the polling station having been-
- (a) unlawfully taken out of the custody of the Presiding Officer:-
  - (b) accidentally or intentionally lost or destroyed :
  - (c) damaged or tampered with :

Please give details

23. Serious complaints, if any, made by the candidate/agents :
24. Number of cases of breach of law and order :
25. Report of mistakes and irregularities committed, if any, at the polling station :
26. Whether the declarations have been made before the commencement of the poll and if necessary during the course of poll when a new voting machine is used and at the end of poll as necessary :

Place .....

Date .....

Presiding Officer

This diary should be forwarded to the Returning Officer along with the voting machine and other sealed papers.

**ANNEXURE XXXIII**  
**(CHAPTER XIII, PARA 46.2)**

**FORM 17C**  
**[SEE RULES 49S AND 56C (2)]**

**PART I. ACCOUNT OF VOTES RECORDED**

Election to the House of the People .....

From ..... XYZ Parliamentary Constituency

No. and name of Polling Station ..... 75-ABC

Identification No. of Voting ..... Control Unit No.: .....

Machine used at the Polling Station ..... Balloting Unit No.: .....

1. Total No. of electors assigned to the Polling Station ..... 995

2. Total No. of voters as entered in the Register for Voters (Form 17A) ..... 761

3. No. of voters deciding not to record votes under rule 49O ..... 2

4. No. of voters not allowed to vote under rule 49M ..... 1

5. Total No. of votes recorded as per voting machine ..... 758

6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus Nos. of voters deciding not to record votes as against item 3 minus No. of voters as against item 4 (2-3-4) or any discrepancy noticed. .... Yes, it tallies

7. No. of voters to whom tendered ballot papers were issued under rule 49P. .... 3

8.	No. of tendered ballot papers	Sl. No.	
		From	to
(a)	received for use (10)	00981	00990
(b)	issued to electors (3)	00981	00983
(c)	not used and returned (7)	00984	00990

9. Account of paper seals

Sl. Nos.

From A009758

To A009760

Signature of Polling agents

1. Serial Numbers of paper seals supplied

1.

From A009758

To A009760

2.

2. Total number supplied

3

3.

3. Number of paper seals used

1 (A009758)

4.

4. Number of unused paper seals  
returned to Returning Officer  
(Deduct item 3 from item 2)

2

5. Serial number of damaged paper seals  
if any

Nil

Date .....

Place .....

Signature of Presiding Officer

## PART II

### RESULT OF COUNTING

1.	Name of Candidate	No. of votes recorded
1.	A	109
2.	B	59
3.	C	77
4.	D	263
5.	E	38
6.	F	2
7.	G	51
8.	H	94
9.	I	65
Total		758

Whether the total nos. of votes shown above tallies with the total no. of votes shown against item 5 of Part I or any discrepancy noticed between the two totals: Yes, it tallies.

Place.....

Date.....

Signature of the Counting Supervisor

Name of candidate/  
Election agent/  
Counting agent

Full Signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Place .....

Date .....

Signature of the Returning Officer

**ANNEXURE XXXIV**  
**(CHAPTER XIII, PARA 52.6)**

Log Book of ..... Building in which voting machines have been stored pending counting

..... District

..... Constituency

Date of Entry	Time of Entry	Name Designation of the Officer entering	Purpose of Entry	Details of other persons accompanying the officer	Signature of Officer entering	Signature of the O.I.C. Police Guard	Time of Exit	Details of persons coming out with the officer	Total time spent inside room	Signature of Officer coming out	Signature of O.I.C. Police Guard	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

**ANNEXURE XXXV**  
**(CHAPTER XIII, PARA 58.2)**  
**MODEL FORM FOR REPORT U/S 57 OF R.P. ACT 1951**

**FAX/TELEX/WIRELESS MESSAGE**

From : Returning Officer

For.....Parliamentary/Assembly Constituency

To :

Secretary

Election commission of India

New Delhi

Repeated

To Chief Electoral Officer of .....

No ..... (.) Date The .....

Reference General/Bye-Election to house of People/.....Legislative Assembly  
From.....parliamentary/Assembly Constituency (.) Reports Have Been Received and Verified  
that poll on date At following Polling Station (S) Was Adjourned under Section 57 (1) of the Representation  
of the people act 1951 Because of Circumstances Indicated Against EACH.

Sl. No.	No. & Name of Polling Station	Name/Designation Of Reporting AUTHORITY	Circumstances under Which Poll ADJOURNED
1	2	3	4
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Commission's Directions Solicited Under Section 57 (2) of the said act (.) It is Recommended that Adjourned  
poll may Be held on Between.....to.....Hours of the above polling Station (s) At the Same Location (s) (.)

Not to be transmitted :

Place .....

Date .....

Returning Officer

For .....

.....

Parliamentary/Assembly

CONSTITUENCY &.....

Copy by post, in confirmation forwarded to the :

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer.....

RETURNING OFFICER FOR

.....

Parliamentary/Assembly

CONSTITUENCY &.....



**ANNEXURE XXXVI**  
**(CHAPTER XIII, PARA 59.2)**  
**MODEL FORM FOR REPORT U/S 58 OF R.P. ACT 1951**

**FAX/TELEX/WIRELESS MESSAGE**

From : Returning Officer  
For.....Parliamentary/Assembly constituency

To : Secretary  
Election Commission of India  
New Delhi

Repeated

To : Chief Electoral Officer of.....No.....(.) Date  
The.....Reference General/Bye-Election to the house of People.....Legislative  
Assembly From..... parliamentary/Assembly Constituency (.) Reports Have Been Received and Verified  
that poll taken on ..... at following station(s) was vitiated to such an extent that the result  
of poll there at cannot be ascertained for reasons indicated against each polling station:

Sl. No.	No. & Name of Polling Station	Name/Designation of Reporting Authority	Circumstances under Which Poll Vitiating
1	2	3	4
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Matter is reported under sub-section (1) of section 58 of the representation of the people act 1951 (.)  
further directions of commission in terms of sub-section (2) of said section 58 are solicited (.)

Not to be transmitted :

Place .....

Date .....

.....

Copy by post, in confirmation forwarded to the :

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer.....

.....

Returning Officer

For .....

Parliamentary/Assembly

CONSTITUENCY &.....

RETURNING OFFICER FOR

Parliamentary/Assembly

CONSTITUENCY & .....

**ANNEXURE XXXVII  
(CHAPTER XIII, PARA 60.2)**

**MODEL FORM FOR REPORT U/S 58A OF R.P. ACT 1951**

**FAX/TELEX/WIRELESS MESSAGE**

From : Returning Officer  
For.....Parliamentary/Assembly constituency

TO: SECRETARY  
ELECTION COMMISSION OF INDIA  
NEW DELHI

Repeated

To : Chief Electoral Officer of .....

No..... (.) Date The .....

Reference General/Bye-Election to house of People/.....Legislative Assembly From.....parliamentary/  
Assembly Constituency (.) Reports Have Been Received That Booth Capturing has taken place at  
the following station (s) in such a manner that result of poll taken thereat on.....(dated) cannot  
be ascertained (.) Details of booth Capturing are given BELOW against each such polling station (.)

Sl. No.	No. & Name of Polling Station	Name/Designation Of Reporting Authority	Details of Booth Capturing
1	2	3	4
1			
2			
3			
4			
5			
6			

Matter is reported TO ELECTION commission in terms of sub-section (1) of section 58A of representation of  
the people act, 1951 (.) commissions directions under sub-section (2) of said section 58 are  
solicited (.)

Not to be transmitted :

Place .....

Date .....

Returning Officer

For .....

.....

Parliamentary/Assembly

CONSTITUENCY &.....

Copy by post, in confirmation forwarded to the :

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer.....

RETURNING OFFICER FOR

.....

Parliamentary/Assembly

CONSTITUENCY & .....

**ANNEXURE XXXVIII**

**(CHAPTER XIV, PARA 3.7)**

**NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS  
REGARDING THE DATE, TIME AND PLACE FOR COUNTING**

**ELECTION TO THE HOUSE OF THE PEOPLE**

.....Legislative Assembly

.....Constituency

(When Counting takes place at one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have, in accordance with the said rule, fixed the.....day of .....  
(month).....19.....a.m./p.m. as the date and time for the  
counting of votes in the Constituency and ..... (Place)  
in.....as the place for such counting.

Place .....

Signature .....

Date .....

Returning Officer .....

To

All candidates or their election agents.

**ANNEXURE XXXVIII-A  
(CHAPTER XIV, PARA 3.7)**

**NOTICE TO CANDIDATE OR THEIR ELECTION  
AGENTS REGARDING THE DATE, TIME AND  
PLACE FOR COUNTING**

Election to the House of the People

by the.....Constituency

(When counting take place at more places than one)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have fixed the date, time and places of counting for the different Assembly segments of this Parliamentary Constituency as specified below :

Name of the Assembly Constituency	Date and Time	Place of Counting
--------------------------------------	---------------	-------------------

The Postal ballot papers of the entire Parliamentary Constituency will be counted, and the results of poll at all the polling stations will be consolidated at.....(Place) on .....(date at).....(time).

Place .....

Signature .....

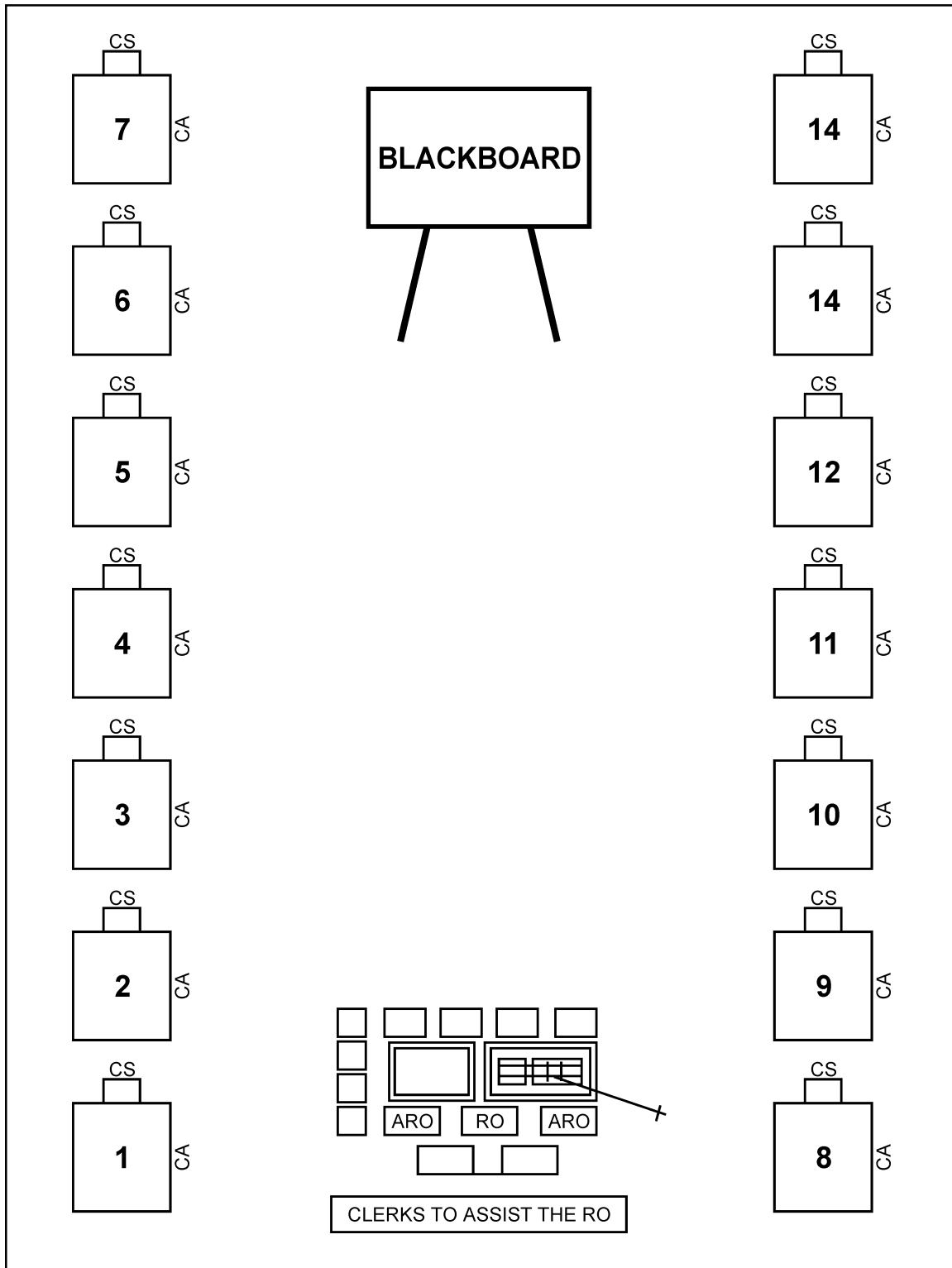
Date .....

Returning Officer .....

To

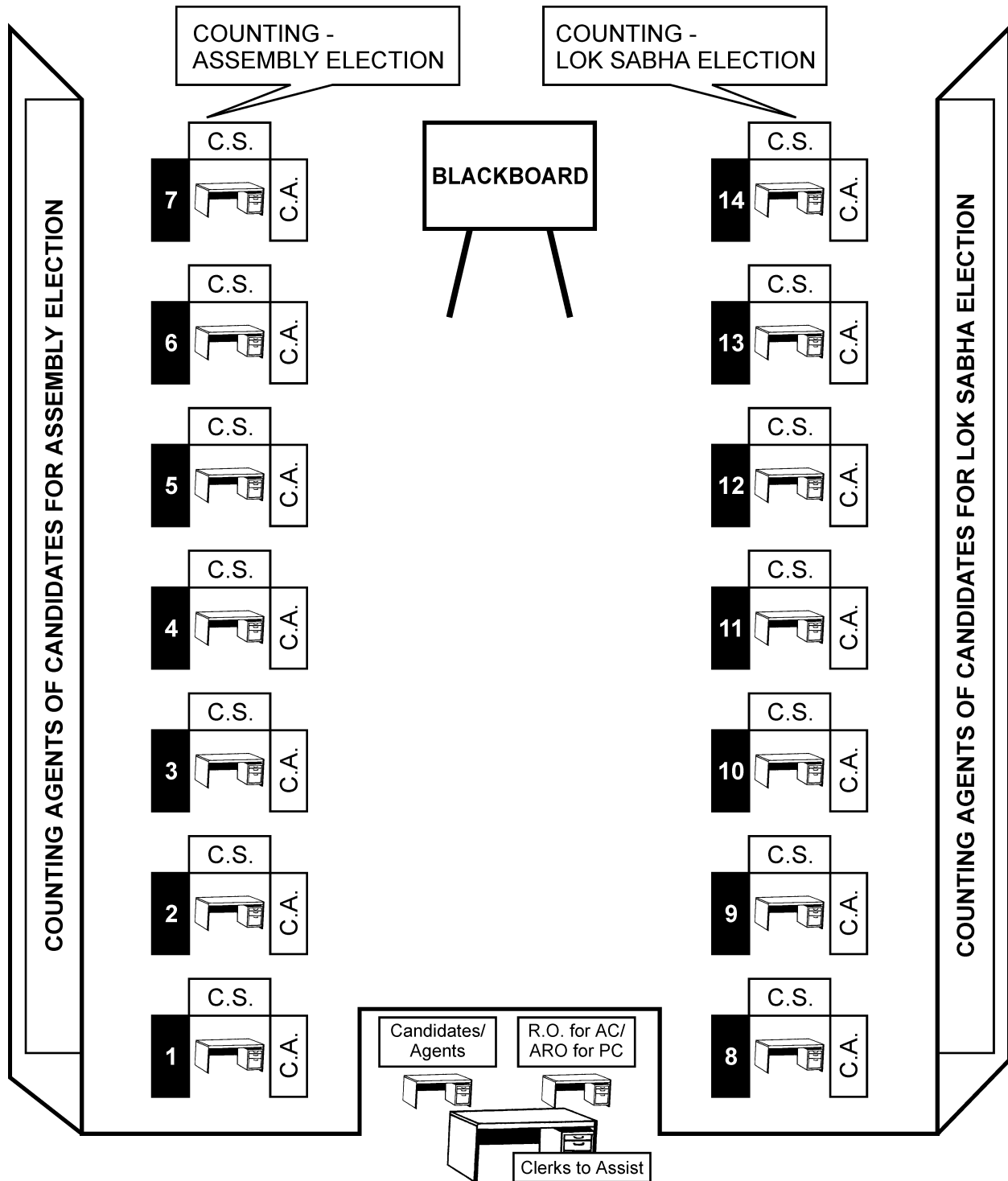
All candidates or their election agents.

**ANNEXURE XXXIX-A**  
**(CHAPTER XIV, PARA 5.3)**  
**LAYOUT OF COUNTING HALL**



ANNEXURE XXXIX-B  
(CHAPTER XIV, PARA 5.3)

**EVMs – SIMULTANEOUS ELECTIONS –  
LAYOUT OF COUNTING HALL**





**ANNEXURE XL**  
**(CHAPTER XIV, PARA 10.1)**

**APPOINTMENT OF COUNTING SUPERVISOR/ASSISTANTS**

Election to the House of the People

.....Legislative Assembly

.....Constituency

I.....(name).....(designation) appoint the persons whose names are specified below to act as Counting Supervisors/Assistants and to attend at.....for the purpose of assisting me in the counting of votes at the said election.

1. ....

2. ....

Place .....

Signature .....

Date .....

Returning Officer .....

**ANNEXURE XLI**  
**(CHAPTER XIV, PARA 26.9)**

**FORM 20**

**FINAL RESULT SHEET**

**[SEE RULE 56C(2)(C)]**

**ELECTION TO THE HOUSE OF THE PEOPLE FROM THE 56 PARLIAMENTARY CONSTITUENCY**

**PART I**

*(To be used both for Parliamentary and Assembly Election)*

Total No. of Electors in Assembly Constituency/Segment 87,725 .....

Name of the Assembly/Segment .....

(in the case of election from a Parliamentary Constituency) 275AB

Serial No. of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of rejected votes	Total	No. of tendered votes
	A	B	C	D				
1	2	3	4	5	6	7	8	9
1.	135	205	403	5	748	Nil	748	1
2.	170	145	340	118	765	Nil	765	—
3.	405	70	105	230	810	Nil	810	—
4.	240	120	215	362	937	Nil	937	2
5.	72	269	142	319	802	Nil	802	—
6.	72	142	347	92	653	Nil	653	—
7.	240	267	142	115	764	Nil	764	—
.....								
.....								
.....								

**(LAST PAGE)**

Serial No. of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of rejected votes	Total	No. of tendered votes
	A	B	C	D				
1	2	3	4	5	6	7	8	9
.....								
.....								
.....								
78	93	127	347	349	916	Nil	916	—
79	368	40	197	215	820	Nil	820	—
Total No. of votes recorded at Polling Stations	21,059	19,178	12,358	18,753	71,340	Nil	71,340	3
No. of votes recorded on postal ballot papers (To be filled in the case of election from an assembly Constituency)	Not applicable							
Total votes polled	21,059	19,178	12,358	18,753	71,340	Nil	71,340	3

Place : Sub-Division Office AB

Assistant Returning Officer

Date : 27th July, 1992

## PART II

*(To be used for Parliamentary Election only)*

Name of Assembly Segment	No. of valid votes cast in favour of				Total of valid votes	No. of rejected votes	Total	No. of tendered votes
	A	B	C	D				
1	2	3	4	5	6	7	8	9
275 AB	18,697	15,353	10,974	8,458	53,482	Nil	53,482	3
276 CD	21,059	19,170	12,358	18,753	71,340	Nil	71,340	9
277 EF	21,610	13,448	23,117	9,321	67,496	Nil	67,496	—
278 GH	11,822	23,731	13,728	6,540	55,821	Nil	55,821	1
280 IJ	17,523	17,399	16,055	18,835	69,812	Nil	69,812	2
281 KL	21,937	16,756	17,080	11,921	67,694	Nil	67,694	—
Grand Total	112,648	105,857	93,312	73,828	385,645	8,770	385,645	15
No. of votes recorded on postal ballot papers	47	13	22	5	87	17	104	15

Place .....

Date : 28th July, 1992

(Signed) QRS

Returning Officer

ANNEXURE XLII

(CHAPTER XVI, PARA 6.1)

**APPLICATION FOR REFUND OF DEPOSIT MADE UNDER  
SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951**

**BY A CANDIDATE**

From,

Name .....

Address .....

To

The Returning Officer.....Constituency

Subject : Return of deposit under section 158 of the Representation of the People Act, 1951

Sir,

1. I was a candidate for election to the.....from  
the ..... Constituency.
2. I made a deposit of Rs.....for that election in the.....  
Treasury under receipt No.....  
on .....  
*\*accepted*
3. My nomination paper was ..... by the Returning Officer.  
rejected  
*\*with draw*
4. I ..... my candidature in time.  
did not withdraw  
*\*was                      \*secured*
- [5. I ..... elected and ..... more than one-sixth of the  
total number  
*\*was not              did not secure*  
of valid votes polled in the election.
- [6. I did not stand as a candidate at the General Election from any other constituency]

OR

- [6. (a) I stood as a candidate at the General Election also from the—  
(i) ..... H.P./L.A. Constituency  
(ii) ..... H.P./L.A. Constituency  
(iii) ..... H.P./L.A. Constituency
- (b) I have not applied for the return of my deposit in any of these other constituencies. The deposits made in these other constituencies may be forfeited.
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully,

Place .....

Date .....

(Signature of Candidate)

---

*\* Strike off the words not applicable in your case*

*Omit the portions within [ ] as necessary.*

**ANNEXURE XLII-A  
(CHAPTER XVI, PARA 6.2)**

**APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION  
34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951**

**BY THE DEPOSITOR WHEN HE IS NOT THE CANDIDATE**

From,

Name .....

Address .....

.....

To

The Returning Officer.....Constituency

Subject : Return of deposit under section 158 of the Representation of the People Act, 1951.

Sir,

1. I ..... (name of the candidate) was a candidate for election to .....from the.....Constituency.
2. On behalf of the said candidate, I made a deposit of Rs..... for that election in the ..... Treasury under receipt No..... on.....  
*\*accepted*
3. His nomination paper was ..... by the Returning Officer.  
rejected  
*\*withdrew*
4. He ..... *\*his* candidature in time.  
did not withdraw  
*\*was* *\*secured*
5. He ..... elected and ..... more than one-sixth of the total number  
*\*was not* *did not secure*  
of valid votes polled in the election.
- [6. He did not stand as a candidate at the General Election from any other constituency.]

OR

6. (a) He stood as a candidate at the General Election also from the—  
(i) ..... H.P./L.A. Constituency  
(ii) ..... H.P./L.A. Constituency  
(iii) ..... H.P./L.A. Constituency
- (b) No application has been made for the return of the deposits made in connection with the elections in these other constituencies. The deposits made in these other constituencies may be forfeited.]
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that I have verified all the statements made in this application, and they are true to my knowledge.

Yours faithfully,

Place .....

Date .....

(Signature of Applicant)

I.....the above mentioned candidate at the election to the.....  
from the .....Constituency hereby certify that the statements contained in  
paragraphs 2 to 6 of this application are true to my knowledge.

Yours faithfully,

Place .....

Date .....

(Signature of Candidate)

---

*Omit the portions within [ ] as necessary.*



**ANNEXURE XLII-B  
(CHAPTER XVI, PARA 6.3)**

**APPLICATION FOR REFUND OF DEPOSIT MADE UNDER  
SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951**

**BY THE LEGAL REPRESENTATIVE OF THE CANDIDATE)**

From,

Name .....

Address .....

.....

To

The Returning Officer.....Constituency

Subject : Return of deposit under section 158 of the Representation of the People Act, 1951.

Sir,

1. The late Shri ..... was a candidate for election to the .....from the..... Constituency. He died on the ..... and I am his legal representative.
2. He made a deposit of Rs.....for that election in the..... Treasury under receipt No..... on .....  
*\*accepted*
3. His nomination paper was ..... by Returning Officer.  
rejected  
*\*withdrew*
4. He ..... his candidature in time.  
did not withdraw  
*\*was                      \*secured*
- [5. He ..... elected and ..... more than one-sixth of the total  
*\*was not                      did not secure*  
number of valid votes polled in the election.]
- [6. He did not stand as a candidate at the General Election from any other constituency.]

OR

6. (a) He stood as a candidate at the General Election also from the—  
(i) ..... H.P./L.A. Constituency  
(ii) ..... H.P./L.A. Constituency  
(iii) ..... H.P./L.A. Constituency
- (b) No application has been made for the return of the deposits made in connection with the elections in these other constituencies. The deposits made in these other constituencies may be forfeited.]
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully,

Place .....

Date .....

(Signature of Applicant)

---

*\* Strike off the words not applicable in your case*

*Omit the portions within [ ] as necessary.*

## LODGING OF ELECTION EXPENSES ACCOUNTS

### ELECTION TO THE HOUSE OF THE PEOPLE

Serial No.	Name (party affiliation of candidate) and address of contesting candidates	Whether account have been lodged	Date of lodging of account	Whether lodged in time	Whether lodged in the maner required by law	if not, a brief statement of defects noticed	Total expenses incurred as per account filed	Remarks
1	2	3	4	5	6	7	8	9
Total								

Returning Officer

- 374

**ANNEXURE XLIV-A**  
**(CHAPTER XIII, PARA 62.1)**

**PROFORMA FOR SUBMISSION OF THE REPORTS TO THE  
COMMISSION ON THE DAY OF POLLING**

Name of State ..... Name of Constituency .....

Time of Report .....

1. Interruption or obstruction of poll due to riots, open violence, natural calamity or any other cause.
2. Vitiating of the poll by any of the EVMs having been unlawfully taken out of the custody of the Presiding Officer, accidentally or unintentionally lost or destroyed or damaged or tampered with.
3. Votes having been unlawfully recorded by any person in the EVMs.
4. Booth capturing.
5. Serious complaints.
6. Violence and breach of law and order.
7. Mistakes and irregularities which have a bearing on the elections.
8. Weather conditions.
9. Poll percentage.
10. Whether all the diaries of Presiding Officers have been scrutinized and irregularities, if any detected.
11. Recommendations regarding repoll/fresh poll, if any.
12. Any other remarks.

Place .....

Date .....

Signature of Returning Officer

**ANNEXURE XLIV-B**  
**(CHAPTER XVIII, PARA 3)**

**REPORT ON THE ELECTION BY THE RETURNING OFFICER**

1. Name of the constituency  
(in block letters):
2. Date or dates of poll in the  
constituency :
3. Number of the polling parties  
deployed in the Constituency,  
the composition of each party  
including police or similar officers  
employed for maintaining order at  
the polling station:
4. Nature of the Polling programme,  
–Single-day poll. Constituency divided  
into zones and polling completed one after  
another with one/two days interval for  
transit or single party took up polling in  
adjacent polling station on successive 2/3  
days of alternative days:
5. (a) Total number of electors in  
the Constituency-  
(i) men (ii) women;  
(b) Number of electors in the part  
relating to service voters;
6. Names of candidates nominated and the  
choice of symbols expressed by each in the  
nomination paper first delivered by  
or on his behalf:
7. Number of nomination papers filed on behalf  
of each candidate:
8. Names of candidates whose nomination papers  
were rejected with brief reasons:

9. Names of candidates who withdraw their nominations:
10. Names of contesting candidates together with the description of the symbol allotted to each and party affiliation:
11. Names of candidates who renounced their party after allotment of symbols:
12. Names of candidates (independents), subsequent to the last date of withdrawal joined some other party, or some party claims that its candidate is contesting the elections as a party candidate:
13. Number of polling stations located-
  - (i) in Government and Quasi-Government buildings:
  - (ii) in private buildings:
  - (iii) in temporary structures:Total:
14. Number of postal ballot papers-

Issued.....
Returned back.....
in                      after                      undelivered
time                      prescribed
hour

  - (a) Service votes and their wives:
  - (b) Voters on Election Duty:
  - (c) Special voters and their wives:
  - (d) Electors subjected to preventive detention:Date of issue of postal ballot papers to service voters:
- 14A. CSVs and Proxy Voters
  - (a) Total Number of CSVs:
  - (b) Number of Proxies who voted:
15. Names of polling stations, if any, where poll was adjourned and repoll was ordered and reasons for such adjournment or repoll:
16. Number of ordinary Electors who voted at polling stations

Men:
Women:
Total:
17. Numbers of persons who voted on production of Election Duty Certificate:

18. Number of blind or infirm voters who voted with the help of companions :
19. Percentage of votes polled to total electorate
20. Date and time of commencement of counting:
21. Number of valid votes polled by each contesting candidate;
22. Number of votes rejected:  
(Postal Ballot Papers)
23. Challenged vote  
Total:  
Number allowed:  
Number rejected:  
Amount forfeited:
24. Tendered votes-        Total:
25. Date and time of declaration of result:
26. Number of Polling Officers recruited locally:
27. Number of candidates:  
partywise (also independents and others)  
(a)        forfeited deposit  
(b)        amount of deposit forfeited:
28. Number of candidates who were their own election agents:
29. Number of election agents appointed:
30. Number of polling agents appointed:
31. Number of candidates who appointed polling agents:
32. Number of counting agents appointed by candidates:

33. Number of Voting Machines used:
- (i) Numbr of Control Units:
  - (ii) Number of Balloting Units;
  - (iii) Number of Voting Machines kept in reserve stock:
    - (a) Numbr of control Units
    - (b) Number of balloting Units
  - (iv) Whether any machine from the reserve stock was used:  
if so, how many control units and how many bolloting units
34. Number of paper seals used:
35. Number of indelible ink phials supplied  
to each polling party:
36. Number of Electoral Offences with their details-  
Number of cases of-
- (a) disorderly conduct at election meetings
  - (b) convening, holding or attending public  
meetings within the constituency on a polling day:
  - (c) illegal hiring or procuring of conveyances for  
the transport of voters:
  - (d) canvassing within one hundred meters  
of a polling station:
  - (e) impersonation of voters:
  - (f) fraudulent defacing, destroying or removal  
of a list or notice or other document at a  
polling station:
  - (g) bribing of voters:
  - (h) intimidation of voters (and other persons):
  - (i) booth capturing
37. Mistakes and irregularities committed by  
Presiding Officers:
38. Highest and lowest polling-polling station-wise:



39. (a) No. of votes cast- from 7.00 a.m. to 9.00 a.m.:  
from 9.00 a.m. to 11.00 a.m.:  
from 11.00 a.m. to 1.00 p.m.:  
from 1.00 p.m. to 3.00p.m.:  
from 3.00 p.m. to 5.00 p.m.
- (b) Number of slips issued at the closing hour  
of the poll:
40. Serious complaints, if any, made by the  
candidates:
41. Number of cases of breach of law and order:
42. Recounting of votes-
- (i) Number of application recived for  
recounting in part or in toto:
- (ii) Number of applications allowed for  
recounting in part or in toto:
- (iii) Result before recounting and after  
recounting of votes:
43. Was the poll interrupted or obstructed by-
- (1) riot  
(2) open violence  
(3) natural calamity  
(4) failure of voting machine  
(5) any other cause
- Plese give detials of the above.
44. Was the poll vitiated by-
- (1) any ballot box used at the polling station  
having been unlawfully taken out of the  
custody of the Presiding Officer-
- (a) accidentally or intentionally destroyed or lost:  
(b) damaged or tampered with:
- (2) Booth capturing
45. Whether declarations have been made by all the  
Presiding Officers before the commencement of  
the poll and at the end of poll as necessary:

**ANNXURE XLV**  
**(CHAPTER XVIII, PARA 4)**  
**ELECTION INDEX CARD FOR LEGISLATIVE ASSEMBLY ONLY**  
**(AT ELECTION WHERE ELECTRONIC VOTING MACHINES ARE USED)**

State: \_\_\_\_\_ No.& Name of Constituency: ..... Year: \_\_\_\_\_  
 District: \_\_\_\_\_ Type of Constituency (Gen./SC/ST) \_\_\_\_\_

<b>I</b>	<b>CANDIDATES</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>		
1	Nominated					
2	Nominations Rejected					
3	Withdrawn					
4	Contested					
5	Forfeited Deposits					
<b>II</b>	<b>ELECTORS</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>		
1	General					
2	Service					
	Total					
<b>III</b>	<b>VOTERS</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>		
1	General					
2	Proxy					
3	Postal					
	Total					
<b>IV</b>	<b>DETAILS OF VOTES</b>					
1	Rejected Votes (Postal)					
2	Votes not retrieved from EVM					
3	Total Valid Votes polled					
4	Tendered Votes					
<b>V</b>	<b>DETAILS OF POLL</b>					
1	Total No. of polling stations set up in the constituency					
2	Average no. of electors assigned to a polling station					
3	Date(s) of Poll					
4	Date of Re-poll, if any					
5	No. of polling stations where Re-poll was ordered					
6	Date(s) of counting					
7	Date of declaration of result					

**Note:** Please read the instructions supplied with the Index Card before filling-up.

## VI. DETAILS OF VOTES POLLED BY EACH CANDIDATE

Sl. No.	Names of the Contesting Candidates (in Block Letters)	Sex (M/F)	Age (Years)	Category (SC/ST)	Party Abbreviation	Valid Votes Polled		
						General	Postal	Total
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								
16.								
	TOTAL							

**Note:** Arrange serially contesting candidates in descending order of valid votes polled.

Certified that the Election Index Card has been checked with Form 2A or 2B, 3A, 20 and 21C or 21D or 21E and R.O. 's Report etc. and that there is no discrepancy. Further certified that the Party affiliation has been verified from the declarations made by the candidates in the nomination papers first filed with a Notice in writing to that effect signed by authorized persons under paragraph 13 of the Election Symbols (Reservation and Allotment) Order, 1968.

Date.....	(Signature)
(Seal) Chief Electoral Officer	(Seal) Returning Officer

# ELECTION INDEX CARD FOR LOK SABHA ELECTIONS ONLY

## (AT ELECTION WHERE ELECTRONIC VOTING MACHINES ARE USED)

State .....

Year of Election .....

No. &amp; Name of Parliamentary Constituency

Type of Constituency (Gen/SC/ST)

I.	CANDIDATES	Men	Women	Total		
1.	Nominated					
2.	Nomination Rejected					
3.	Withdrawn					
4.	Contested					
5.	Forfeited Deposits					
II.	ELECTORS	Men	Women	Total		
1.	General					
2.	Service					
	TOTAL					
III.	VOTERS	Men	Women	Total		
1.	General					
2.	Proxy					
3.	Postal					
	TOTAL					
IV.	DETAILS OF VOTES					
1.	Rejected Votes (Postal)					
2.	Votes not retrieved from EVM					
3.	Total Valid Votes Polled					
4.	Tendered Votes					
V.	DETAILS OF POLL					
1.	Total No. of Polling stations set up in the Constituency					
2.	Average No. of electors assigned to polling station					
3.	Date(s) of Poll					
4.	Date(s) of Re-poll, if any					
5.	Number of Polling stations where Re-poll was ordered					
6.	Date of Counting					
7.	Date of Declaration of Result					

**Note:** Please read the instructions supplied with the Index Card before filling-up.

## VI. DETAILS OF VOTES POLLED BY EACH CANDIDATE

Sl. No.	Name of Contesting Candidates (in block letter)	Sex (M/F)	Age (Years)	Category (SC/ST)	Party Abbreviation	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	Postal Total
1.														
2.														
3.														
4.														
5.														
6.														
7.														
8.														
9.														
10.														
11.														
12.														
13.														
14.														
15.														
16.														
	TOTAL													

1. Arrange serially contesting candidates in descending order of valid votes polled.
2. If the No. of Assembly Segments are more than 8, use additional Cards as per requirement.
3. Indicate names of Recognised and Un-recognised parties as registered with the commission in standard abbreviated form as prescribed by the Commission.

## VII. DETAILS OF ELECTORS - ASSEMBLY SEGMENT WISE

Total Electors		AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	TOTAL
1. General	Men								
	Women								
	Total								
2. Service	Men								
	Women								
	Total								
3. Total	Men								
	Women								
	Total								

Certified that the Election Index Card has been checked with Forms 2A or 2B, 3A, 20 and 21C or 21D or 21E and R.O's Report etc .and that there is no discrepancy. Further certified that the Party affiliations have been verified from the declarations made by the Candidates in the nomination papers first filed with a Notice in writing to that effect signed by authorized persons under paragraph 13 of the Election Symbols (Reservation and Allotment) Order, 1968.

Date	Signature
(Seal) Chief Electoral Officer	(Seal) Returning Officer

**ANNEXURE - XLVI**  
**(CHAPTER XVIII, PARA 11.5)**  
**LIST OF THE PAPERS FOR DESTRUCTION SIX MONTHS**  
**AFTER THE DECLARATION OF RESULT**

1. Form of Notice (Form 1).
2. Notice of nominations (Form 3-A).
3. List of validly nominated candidates under rule 8 (Form 4).
4. Form of Notice of withdrawal (Form 5).
5. Notice of withdrawal of Candidates (Form 5).
6. List of contesting candidates (Form 7-A).
7. Appointment of election agents (Form 8).
8. List of tendered votes (Form 15).
9. Appointment of polling and counting agents (Form 10 and 18).
10. Office copies of Form 18.
11. Revocation of the appointment of election agents, polling agents and counting agents (Form 9, 11, 19).
12. Used electoral rolls at a polling station other than the marked copy [Rule 31(3) / 49C (3)].
13. Record kept by the Presiding Officers regarding voting by blind and infirm electors (Form 14-A).
14. Packet containing cancelled ballot papers [Rules 39(7) and 41.]
15. Notes and records maintained by the Presiding Officer, the declarations made by the polling agents and any other paper directed by the Returning Officer to be kept in a sealed packet.
16. List containing names of persons under preventive detention (Rule 21).
17. List of electors permitted to vote by postal ballot.
18. Applications made by persons subjected to preventive detention for permission to vote by postal ballot received by the Returning Officers.
19. Applications for postal ballot papers by electors employed on election duty (Form 12 and Form 12-A).
20. Postal ballot papers returned undelivered.
21. Applications made for reissuing of postal ballot papers.

22. Applications for the recount of votes (Rule 63).
23. Unused postal ballot papers with counterfoils.
24. Notice of counting of votes-time, place and date, etc.
25. Notice of inspection of accounts of election expenses.
26. Correspondence between the Returning Officer and the candidates and the election or counting agents.
27. Application for allotment of symbols.
28. Damaged paper seals and unused paper seals including those received back from the Presiding Officers by the Returning Officers.
29. General reports, diaries and memo, note-books from the Presiding Officers.
30. Notices under clauses (a) and (b) of sub-rule (i) of rule 31/49C.
31. Packets containing objections by candidates and agents etc., in the course of poll and counting of votes.
- 31A. A Sealed packet containing the proceedings drawn by the Returning Officer after counting of votes.
32. Sealed packets containing check memos for counting of votes.
33. Certified extract of electoral rolls filled along with the nomination papers.
34. Forms of account of ballot papers/account of votes recorded.
35. Paper seal account.
36. Publicity material such as wall posters, handbills and open statements issued by the candidates at the election.
37. Election duty certificates (Form 12-B)
38. Declarations under rule 40 (1)/49N.



# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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**K.N.BHAR**  
**UNDER SECRETARY**

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**No: 470/2007/PLN-I**

**Date: 29<sup>th</sup> August 2007**

To,

The Chief Electoral Officers of  
All States and Union Territories

Subject: Counting of votes for General/Bye-elections to the House of People/State  
Legislative Assembly-ensuring transparency –regarding

Sir/Madam,

The Commission has issued detailed instructions regarding the arrangements for counting centers and management of counting process including the security arrangements vide its order number 470/2007/PLN-I dated 11<sup>th</sup> January 2007.

In order to ensure a higher level of transparency in the counting process, the following arrangements would also be put in place by all District Election Officers and Returning Officers. A copy of these instructions should be given to all the Observers immediately on their arrival so that they have time to familiarize themselves with this and to take action accordingly.

**Randomization of counting officials**

1. The posting of Counting Supervisors and Counting Assistants must be done randomly in such a way that the counting official come to know of the Assembly Constituency and the table assigned to them only at the time of their arrival at the Counting Center on the day of the counting.

2. The District Election Officers shall issue photo-identity cards to all counting staff. After the Randomization, explained in the following paragraphs is over, the reserve staff would be seated separately in an enclosure within the counting centre campus.

3. The District Election Officer must keep a pool of well trained officials (including the reserved pool) available for counting purposes. The counting officials be directed to reach the counting center at 6 am on the date of counting. As already mentioned in Para 1 above, these officials would not be allotted the Assembly Constituency or the Table number in advance.

4. The Observers and the District Election Officer would assemble at one place for carrying out the randomization at 5 am on the day of the counting. This place may be the NIC center, Counting Center or any other office where the process can be conveniently carried out. The list of trained officials would be provided by the District Election officer to the Observers. There would be two lists, one of Counting Supervisors and another of Counting Assistants and each counting official would be assigned a unique serial or code number which would be so labeled as to indicate clearly the category to which he belongs i.e. whether he is a Counting Supervisor or a Counting Assistant.

5. The randomization would be carried out either manually or by using a computer. For manual randomization, the senior most Observer present would randomly assign the constituency and the table number to the counting officials by the draw of lots. This has to be done with the two lists mentioned above separately and independently so that for each of the tables the name of one Counting Supervisor and one Counting Assistant is generated. The District Election Officer would make all prior arrangements to ensure quick and smooth conduct of this randomization process. This would include preparing chits of the unique serial numbers assigned to counting officials and the constituency/table numbers.

6. Alternatively, the District Election Officer may make arrangements for carrying out the abovementioned randomization with the aid of a computer in consultation with the Observers. However, before using a computer aided method the Observers must fully satisfy themselves that the process is free from all errors and that it truly generates the results in a random manner.

7. The District Election Officers would ensure that Videography of the process of randomization is carried out for record.

8. To illustrate it by a practical example, let us assume a district has 10 Ac's, with 14 counting tables each. For this district 154(including 10% reserve) Counting Supervisors and 154 Counting Assistants would be required. These many officials would have been already trained and given codes while issuing the duty orders. On the date of counting at 5 am, these 154 codes each of Counting Supervisors and Counting Assistants, written on individual slips, would be kept in two separate boxes. The senior most Observer, in the presence of District Election Officer and all other Observers would start the randomization process for a particular assembly constituency by randomly picking up one slip each from the two boxes. The Counting Supervisor and the Counting Assistant so picked up on the first set of draws would be assigned table no 1 in that Constituency. This would continue in a similar way till each of the 14 tables are assigned one Counting Supervisor and one Counting Assistant. The same process would then be repeated for other Assembly Constituencies in a similar manner. The officials who are left at the end of this exercise would be treated as part of the reserved pool.

9. Once the randomization process is over, the Constituency wise posting lists, duly signed by the District Election Officer and the Observers would be brought to the Counting Center by the Observers and District Election Officer, in time, to be handed over to the respective Returning Officers and the control room staff by 6 a.m.

10. The counting officials on reaching the control room at the counting center would be provided the posting details and directed to reach the counting hall of the assigned constituency at the respective table.

11. It must be ensured that the whole process of randomization is over by 6:00 am so that the counting officials are able to reach their assigned position conveniently before the scheduled start of the counting process.

### **Reserved Pool**

12. The officials who have not been assigned any Constituency/table would form a reserved pool.

13. There would be no deployment of officials in shifts as the counting process would normally not take more than 6 to 8 hours. However, the District Election Officers would have the liberty of replacing officials in case such an exigency arises, but this replacement would also

be done randomly from the pool of officials in reserve after consulting the Observer of the constituency concerned

**Cross checking by the Observers at random**

14. As per the instructions issued earlier, after each round of counting, the Returning Officer would do the tabulation of the round based on the table wise result provided by the Counting Supervisors. The table wise result of the round is to be countersigned by the Observer before the Returning Officer announces the result of the round.

15. A system is now being introduced through the present instructions by which there would be a random checking by the Observers, in the manner indicated below, of the table wise results provided by the counting officials.

16. During the course of counting (for a round) the observer shall keep oscillating between counting tables and closely observe the counting process.

17. At the closure of each round, the Observer would randomly select any two EVM control units from amongst the Control units of the concerned round which has been counted. He would then direct the counting staff specifically deployed for this purpose by the Returning Officer/Assistant Returning Officer through **random selection** to independently note down from the Control units selected, the details of the votes polled as indicated by the machine. These details he would then compare with the details provided by the officials in the table wise result to check for any discrepancy between the two. Care must be taken that the staff assigned for random checking is not aware of the details provided in the table wise result.

18. The District Election Officer/Returning Officers would ensure that there is a separate and sufficient space earmarked in the same counting hall for this **random cross-checking so that the normal counting of vote for subsequent round continues without any hindrance.**

19. The staff to assist the Observer for this cross checking would be randomly selected from the reserved pool. If required, after a few rounds, fresh staff from the reserved pool should replace this staff.

20. Only after being satisfied that the result displayed by the Control Unit and that shown in the round wise result sheet and Form 17C match would the Observer countersign the result sheet of the round. The Observers would ensure that this exercise is carried out in each round and the selection of the two control units is absolutely random.

21. If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer as mentioned above, then:

(i) The result of that round for each table shall be reverified from the EVMs.

(ii) Such staff as is found to be wrongly noted the counting result would be taken off and replaced by another set of staff. Severe disciplinary action should then follow on the erring staff for their omissions and commissions.

(iii) The result provided by such staff (and table) in the preceding rounds would be checked again in presence of observer and corrected sheets prepared wherever necessary.

22. The counting officials as well as candidates and their counting agents would be informed about this provision of random cross checking to be carried out by the Observers. It would also be informed that any discrepancy found during this randomized cross checking

would be viewed seriously by the Commission and could result in serious disciplinary action and prosecution of the responsible officials.

23. The Observers would continuously maintain their presence in the counting hall and periodically inspect the counting tables to ensure that counting is going on according to the instructions of the Commission in a transparent and systematic way.

24. The Observers, in their final report after the counting would specifically mention that the randomization of personnel and the random checking of Control Unit details was carried out as per the instructions of the Commission

25. All District Election Officers and Returning Officers would ensure that these instructions are strictly followed and would make all necessary arrangements for the same.

26. Apart from one Counting Supervisor and one Counting Assistant for each counting Table, one additional staff would be seated in each of the 14 counting tables. The additional staff will invariably be a Central Govt./Central Govt. PSU employee. This additional staff will note down the details of votes exhibited by the EVMs being counted in each round in that Table. These additional counting staff would be provided with a pre-printed statement on which there will be space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the contesting candidates as they appear in the ballot paper. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.

27. The Observer/Returning Officer will cross check the figures noted in Part-II of Form 17C as submitted by the Counting staff with the additional statement submitted by the additional staff.

28. Wherever adequate number of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner by mobilizing the required number of staff from the neighbouring districts within the Division. The additional staff will be given a brief orientation training before being deployed at the counting center as above. The additional staff also will be provided a ID Card by the District Election Officer. The constituencywise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.

29. All District Election Officers would ensure that these instructions are given wide publicity amongst the general public, the political parties, candidates, counting officials and other election related officials. It is repeated that a copy of these instructions would be provided to each election Observers immediately upon their arrival in the district. All concerned will also strictly follow the other existing instructions of the ECI regarding the counting process. A confirmation report shall be submitted by all District Election Officers through Chief Electoral Officers by 5 p.m. of the date, one day prior to the date of counting that all necessary steps have been taken for strict implementation of the above instructions.

Yours faithfully,

(K.N.BHAR)

**PROFORMA FOR RECORDING OF VOTES BY ADDITIONAL COUNTING STAFF**

**No. and Name of A.C. -**

**Round No.-**

**Table No.-**

**C U Number:**

**Polling Station Number:**

Sl. No	Name of Candidate (Pre-printed)	No. of votes recorded

.

Date:

Signature of Addl. Counting staff (With full name

\* To be handed over to the Observer only.